FEDERAL REGISTER

VOLUME 11 NUMBER 233

Washington, Saturday, November 30, 1946

The President

EXECUTIVE ORDER 9807

AUTHORIZING THE CIVIL SERVICE COMMISSION TO CONFER A COMPETITIVE CIVIL SERVICE STATUS UPON CERTAIN GROUPS OF EMPLOYEES

By virtue of the authority vested in me by section 2 of the Civil Service Act (22 Stat. 403, 404), and in the interest of the internal management of the Government, the Civil Service Commission is hereby authorized to confer a competitive civil service status upon any employee or former employee of the Federal Government who on July 1, 1941, occupied a position in one of the groups of positions designated below and who was continuously in the Government service from that date through January 1, 1942, subject to the requirements and conditions which would be applicable had such positions been included in the competitive civil service pursuant to Executive Order No. 8743 of April 23, 1941, as amended:

1. Positions the salaries of which were paid from funds appropriated for the work of the Civilian Conservation Corps.

2. Positions the salaries of which were paid from funds appropriated for the work of the Public Works Administration.

3. Positions the salaries of which were paid from funds appropriated by the Emergency Relief Appropriation Acts for the administrative work of any department or agency other than the Work Projects Administration.

4. Positions under the Northeast Timber Salvage Administration.

HARRY S. TRUMAN

THE WHITE HOUSE,
November 29, 1946.

[F. R. Doc. 46-21115; Filed, Nov. 29, 1946; 10:48 a. m.]

Regulations

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 91—EXECUTIVE ORDERS AFFECTING THE CIVIL SERVICE NOT OTHERWISE COVERED IN THIS CHAPTER

AUTHORIZATION TO CONFER COMPETITIVE STATUS UPON CERTAIN GROUPS OF EMPLOYEES

CROSS-REFERENCE: For an addition to the tabulation in § 91.1 of this part, see Executive Order 9807, *supra*, authorizing the Civil Service Commission to confer a competitive Civil Service status upon certain employees or former employees of the Federal Government.

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Rural Electrification Administration, Department of Agriculture

PART 400—ORGANIZATION, FUNCTIONS AND PROCEDURES

FIELD ORGANIZATION AND DELEGATIONS OF FINAL AUTHORITY

Effective November 25, 1946, Part 400 of Title 6, issued September 11, 1946 (11 F. R. 177A—294 to 296, inclusive), is hereby amended as follows:

1. By deleting all of paragraph (a) of § 400.2 and substituting therefor the following:

§ 400.2 *Field organization.* (a) There are two offices maintained outside of Washington. An office located at Portland, Oregon performs liaison with the Bonneville Power Administration and REA borrowers in the Bonneville service area. Its address is: REA Liaison Office, 701 Bedell Building, Portland 4, Oregon. An office located at Palmer, Alaska, performs liaison with other Federal agencies

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THE PRESIDENT

REGULATIONS AND NOTICES

FEDERAL REGISTER

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CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such in parentheses.

CODIFICATION GUIDE—Continued

CODIFICATION GUIDE—Continued

that have offices in Alaska and renders advice and assistance to REA borrowers and prospective borrowers in the Territory. Its address is: REA Liaison Office, Palmer, Alaska.

2. By adding after § 400.4 (i) (1) the following paragraph:

(j) Authority to approve meter loop material and installation contracts between borrowers and third parties "for Claude R. Wickard, Administrator" has been delegated to Chief, Applications and Loans Division and to each Assistant Chief, Applications and Loans Division.

3. By adding after § 400.4 (j) the following paragraph:

(k) Authority to approve line construction materials contracts between borrowers and third parties "for Claude R. Wickard, Administrator" has been delegated to Chief, Engineering Division and to each Assistant Chief, Engineering Division.

(R. S. 161, 5 U. S. C. 22; Pub. Law 404, 79th Cong., 60 Stat. 258)

Issued this 26th day of November 1946.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 46-21015; Filed, Nov. 29, 1946; 8:46 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices)

Subchapter C—Regulations Under the Farm Products Inspection Act

PART 55—SAMPLING, GRADING, GRADE LABELING, AND SUPERVISION OF PACKAGING OF BUTTER, CHEESE, EGGS, POULTRY, AND DRESSED DOMESTIC RABBITS [1]

FORMS AND INSTRUCTIONS

On November 8, 1946, notice of proposed rule making was published in the FEDERAL REGISTER (11 F. R. 13321) regarding the issuance of instructions governing plants operating as official plants processing and packaging egg products pursuant to the authority contained in the Department of Agriculture Appropriation Act, 1947 (Pub. Law 422, 79th Cong., approved June 22, 1946). After consideration of all relevant matters presented: *It is hereby ordered*, That the following instructions shall become effective January 1, 1947.

§ 55.102 *Instructions governing plants operating as official plants processing and packaging egg products*—(a) *Definitions.* (1) "Rules and regulations in this part" means the rules and regulations governing the sampling, grading, grade labeling, and supervision of packaging of butter, cheese, eggs, poultry, and dressed domestic rabbits (11 F. R. 7932).

(2) "Egg products" means liquid eggs, frozen eggs, or dried eggs with or without the addition of any other substance or ingredient.

(3) "Shell eggs" means shell eggs of the domesticated chicken hen.

(4) "Regional supervisor" means the regional supervisor, or assistant regional supervisor, Poultry Products Section, Dairy and Poultry Inspection and Grading Division of the Administration, in charge of the grading service in a designated geographical area.

(5) "Sterilize" means to subject to an acceptable germicidal agent.

[1] 11 F. R. 7932.

(6) All other terms which are used herein shall have the meaning applicable to such terms when used in the rules and regulations in this part.

(b) *Plant survey.* Prior to the inauguration of continuous inspection in a plant, the regional supervisor serving the area in which the plant is located will make a survey and inspection of the premises and plant to determine whether the facilities and methods of operation therein are suitable and adequate for grading service in accordance with (1) the rules and regulations in this part, (2) the instructions and requirements contained in this section, and (3) such further instructions and requirements, based upon the aforesaid instructions, (i) which may hereafter be issued with respect to minimum requirements for facilities, operating procedures, and sanitation in egg-breaking, egg-drying, and egg-packaging plants, and (ii) which are in effect at the time of the aforesaid survey and inspection.

(c) *Raw materials.* (1) Only shell eggs or egg products which have been produced in an official plant and are identified with official identification may be used in the production, in an official plant, of egg products which are to be identified with official identification.

(2) Egg products which are to be identified with official identification, as aforesaid, may be produced only from (i) clean shell eggs, (ii) stained shell eggs, or (iii) shell eggs which are processed in the manner set forth in subparagraph (3) of this paragraph.

(3) Wholesome, sound shell eggs with loose adhering dirt on the shells may be used as raw material when such eggs are properly cleaned or washed, sterilized, and dried in such a manner as will avoid contamination of the egg meat within the shell.

(4) Egg products may be produced in an official plant from shell eggs which are leakers or dirty checks, from shell eggs with loose adhering dirt on the shells, or from shell eggs other than those of the domesticated chicken hen only if such eggs are fit for human food. None of such egg products shall, however, be identified with official identification.

(5) Shell eggs or egg products which are not fit for human food shall be delivered into the custody of the inspector at the official plant pending disposition, by the owner, of such shell eggs or egg products for purposes other than for human food.

(d) *Premises and plant*—(1) *Building.* The plant, or portion thereof utilized, in which any egg processing operation is conducted, shall be maintained in a sanitary condition, including, but not being limited to, the following requirements:

(i) There shall be abundant light (whether natural or artificial, or both) which is well distributed, and sufficient ventilation for each room and compartment to insure sanitary and suitable processing and operating conditions.

(ii) There shall be an efficient drainage and plumbing system for the plant and premises. All drains and gutters shall be properly installed with approved traps and vents, and shall be maintained in good repair and in proper working order.

(iii) The water supply (both hot and cold) shall be ample, clean, and potable, with adequate facilities for its (*a*) distribution throughout the plant, or portion thereof utilized, as aforesaid, and (*b*) protection against contamination and pollution.

(iv) The floors, walls, ceilings, partitions, posts, doors, and other parts of all structures shall be of such materials, construction, and finish to permit their ready and thorough cleaning. The floors and curbing shall be watertight.

(v) Each room and each compartment in which any shell eggs or egg products are handled or processed shall be (*a*) so designed and constructed as tc insure processing and operating conditions of a clean and orderly character, (*b*) free from objectionable odors and vapors, and (*c*) maintained in a clean and sanitary condition.

(vi) Every practicable precaution shall be taken to exclude all dogs, cats, and vermin (including, but not being limited to, rodents and insects) from the plant, or portion thereof utilized, as aforesaid, in which shell eggs or egg products are handled or stored. The use of poisons for any purpose in any room or compartment where any shell eggs or egg products are stored or handled is forbidden, except under such restrictions and precautions as the Chief, or Acting Chief, of the Dairy and Poultry Inspection and Grading Division of the Administration may prescribe.

(2) *Facilities.* Each plant, or portion thereof utilized, as aforesaid, shall be equipped with adequate sanitary facilities and accommodations, including but not being limited to the following:

(i) There shall be a sufficient number of adequately lighted dressing rooms and toilet rooms, ample in size, conveniently located, and separated from the rooms and compartments in which shell eggs or egg products are handled, processed, or stored. The dressing rooms and toilet rooms shall be separately ventilated, and shall meet all requirements as to sanitary construction and equipment.

(ii) Lavatory accommodations (including, but not being limited to, hot and cold running water, soap, and towels) shall be placed at such locations in the plant as may be essential to assure cleanliness of each person handling any shell eggs or egg products.

(iii) Clean outer garments shall be worn by all persons who are in any room or compartment where any breaking, drying, or packaging operation is conducted.

(iv) No product or material which creates an objectionable condition shall be processed, stored, or handled in any room, compartment, or place where any shell eggs or egg products are processed, stored, or handled.

(v) Suitable facilities for cleaning and sterilizing utensils and equipment shall be provided at convenient locations throughout the plant, or portion thereof utilized, as aforesaid.

(3) *Equipment and utensils.* Equipment used for candling, breaking, straining, clarifying, packaging, holding, drying, storing, or otherwise processing any shell eggs or egg products shall be of such design, material, and construction as will (i) enable the examination, segregation, or other processing of such eggs or egg products in an efficient, clean, and satisfactory manner, and (ii) permit easy access to all parts to insure thorough cleansing and sterilization. So far as is practicable, all such equipment shall be made of metal or other impervious material if the metal or other material will not affect the product by chemical action or physical contact. Receptacles and packages used for shell eggs or egg products which are not fit for human food shall bear some conspicuous and distinctive identification.

(e) *Operations and operating procedures.* (1) All operations involved in processing, storing, and handling shell eggs and egg products shall be strictly in accord with clean and sanitary methods, and shall be conducted as rapidly as is practicable and at temperatures that will tend to cause (i) no material increase in bacterial growth, or (ii) no deterioration or break-down of the original quality of the egg meat.

(2) All shell eggs and egg products shall be subjected to constant and continuous inspection throughout each and every processing operation. Any shell egg or egg product which was not processed in accordance with the instructions contained in this section or is not fit for human food shall be removed and segregated prior to any further processing operation in connection with the production of egg products which are to be identified with official identification.

(3) All utensils and equipment which are contaminated during the course of processing any shell eggs or egg products shall be removed from use immediately and shall not be used again until cleansed and sterilized.

(4) Any substance or ingredient used, or added, in the processing of any egg product shall be clean and fit for human food.

(f) *Candling shell eggs.* (1) Each shell egg shall be adequately candled, prior to its delivery to the breaking room, so as to comply with the requirements of this section applicable to raw materials.

(2) Each shell egg shall be candled in such manner as to avoid its breakage or contamination.

(g) *Breaking shell eggs.* (1) Each shell egg must be broken in a satisfactory and sanitary manner and inspected for wholesomeness (i) by smelling the shell or the egg meat and (ii) by visual examination at the time of breaking. Egg meat fit for human food shall be placed in proper containers for subsequent similar examinations by an inspector. Egg meat which is not fit for human food shall be placed in containers bearing some conspicuous and distinctive identification.

(2) Egg meat which is examined and passed by an inspector shall be processed in such manner as to insure the complete removal of meat spots, shell particles, and foreign materials.

(3) Each person who is to handle any exposed or unpacked egg products shall wash his hands immediately prior to handling any such products or any utensils which contain, or are to contain, such products. Each person who is handling any exposed or unpacked egg products shall have clean hands.

(4) Whenever any breaker breaks a shell egg which is not fit for human food (other than an egg with a large blood spot or a blood ring), he shall not use any utensil which is contaminated by such shell egg. Each such contaminated utensil shall be exchanged for a clean one; and the breaker shall wash his hands immediately prior to receiving the clean utensil.

(5) In addition to the other requirements contained in this section, all utensils and equipment shall be clean and sanitary (i) at the start of each day's processing operations and (ii) at the resumption of processing operations following any cessation of such operations for 30 minutes or longer.

(h) *Drying.* All pumps, liquid egg lines, drying equipment, and dried egg conveyors shall be operated and maintained in a sanitary manner. All dried egg powder shall be sifted, but not forced, through a screen so as to remove all foreign materials and all lumpy particles of dried eggs. No egg product which is to be identified with official identification shall have incorporated therein any screenings collected from any screening operation, any badly scorched sweepdown powder collected in the clean-up process, or any dusthouse powder.

(i) *Packages.* Packages or containers for egg products shall be clean when being filled with any egg products; and all reasonable precautions shall be taken to avoid soiling or contaminating the surface of any package or container liner which is, or will be, in direct contact with such egg products.

(j) *Final inspection of egg products.* All egg products shall, at the completion of the processing operation, be inspected by an inspector to ascertain the condition of the finished product.

(k) *Personnel; health.* (1) No person affected with any communicable disease (including, but not being limited to, tuberculosis) in a transmissable stage shall be permitted in any room or compartment where exposed or unpacked egg products are prepared, processed, or otherwise handled.

(2) Spitting or smoking is prohibited in each room and in each compartment where any exposed or unpacked egg products are prepared, processed, or otherwise handled.

(3) All necessary precautions shall be taken to prevent the contamination of egg products with any foreign substance (including, but not being limited to, perspiration, hair, cosmetics, and medicaments).

(l) *Facilities to be furnished by official plant.* (1) Facilities for the proper sampling, weighing, and examination of shell eggs and egg products shall be furnished by the official plant for use by inspectors.

(2) A locker or desk (equipped with a satisfactory locking device), in which labels with official identification, marking devices, samples, certificates, seals, and reports of inspectors will be kept, shall be furnished by the official plant for use by inspectors.

(m) *Authority and duties of inspectors.* (1) Each inspector is authorized:

(i) To make such observations and inspections as he deems necessary to enable him to certify that egg products identified with official identification have been prepared, processed, stored, and otherwise handled in conformity with the rules and regulations in this part and the instructions contained in this section;

(ii) To supervise the marking of packages containing egg products which are eligible to be identified with official identification;

(iii) To retain in his custody, or under his supervision, labels with official identification, marking devices, samples, certificates, seals, and reports of inspectors;

(iv) To deface or remove, or cause to be defaced or removed under his personal supervision, any official identification from any package containing egg products whenever he determines that such products were not processed in accordance with the instructions contained in this section or are not fit for human food; and

(v) To issue a grading certificate whenever the egg products inspected meet the requirements of the rules and regulations in this part and of the instructions contained in this section.

(2) Each inspector shall prepare such reports and records as may be prescribed by the aforesaid Chief, or Acting Chief, which shall contain, in addition to all other required data, a daily record of:

(i) The sanitary condition of the official plant and all processing operations therein in connection with the production of egg products;

(ii) All processing, holding, and storing temperatures;

(iii) The selection of all raw material used in the production of egg products;

(iv) The handling and condition of the finished egg products;

(v) The total quantity of egg products identified with official identification;

(vi) The total quantity of egg products eligible for official identification but not so identified;

(vii) The total quantity of egg products not eligible for official identification; and

(viii) The total quantity of egg products not fit for human food.

(Pub. Law 422, 79th Cong.; 60 Stat. 270)

Done at Washington, D. C., this 26th day of November 1946.

[SEAL] E. A. MEYER,
Acting Administrator.

[F. R. Doc. 46-20993; Filed, Nov. 29, 1946; 8:51 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

[Grapefruit Reg. 77]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN THE STATE OF FLORIDA

LIMITATION OF SHIPMENTS

§ 933.315 *Grapefruit Regulation 77*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and the order, as amended (7 CFR Cum. Supp., 933.1 et seq.; 11 F. R. 9471), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, issued under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., December 2, 1946, and ending at 12:01 a. m., e. s. t., December 16, 1946, no handler shall ship:

(i) Any grapefruit of any variety, grown in the State of Florida, which grade U. S. Combination Russet, U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade (as such grades are defined in the United States standards for citrus fruits (11 F.R. 13239));

(ii) Any seeded grapefruit, other than pink grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack (as such pack is defined in the aforesaid United States standards), in a standard box (as such box is defined in the standards for containers for citrus fruit established by the Florida Citrus Commission pursuant to section 3 of Chapter 20449, Laws of Florida, Acts of 1941 (Florida Laws Annotated section 595.09));

(iii) Any seedless grapefruit, other than pink grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack (as such pack is defined in the aforesaid United States standards), in a standard box (as such box is defined in the aforesaid standards for containers for citrus fruit); or

(iv) Any pink grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 126 grapefruit, packed in accordance with the requirements of a standard pack (as such pack is defined in the aforesaid United States standards), in a standard box (as such box is defined in the aforesaid standards for containers for citrus fruit).

(2) As used herein, "variety," "handler," and "ship" shall have the same meaning as is given to each such term in said amended marketing agreement and order. (48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 27th day of November 1946.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 46-21072; Filed, Nov. 29, 1946; 8:45 a. m.]

[Orange Reg. 105]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN THE STATE OF FLORIDA

LIMITATION OF SHIPMENTS

§ 933.314 *Orange Regulation 105*—(a) *Findings.* (1) Pursuant to the amended marketing agreement and the order, as amended (7 CFR, Cum. Supp., 933.1 et seq.; 11 F. R. 9471), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, issued under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, as hereinafter provided, will tend to effectuate the declared policy fo the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., December 2, 1946, and ending at 12:01 a. m., e. s. t., December 16, 1946, no handler shall ship:

(i) Any oranges, including Temple oranges, grown in the State of Florida, which grade U. S. Combination Russet, U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade, as such grades are defined in the United States standards for citrus fruits (11 F. R. 13239); or

(ii) Any oranges, except Temple oranges, grown in the State of Florida, which are of a size smaller than a size that will pack 250 oranges, packed in accordance with the requirements of a standard pack (as such pack is defined in the aforesaid United States standards), in a standard box (as such box is defined in the standards for containers for citrus fruit established by the Florida Citrus Commission pursuant to section 3 of Chapter 20449, Laws of Florida, Acts of 1941 (Florida Laws Annotated section 595.09)).

(2) As used herein, "handler" and "ship" shall have the same meaning as is given to each such term in said amended marketing agreement and order. (48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 27th day of November 1946.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 46-21069; Filed, Nov. 29, 1946; 8:59 a. m.]

[Tangerine Reg. 58]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN THE STATE OF FLORIDA

LIMITATION OF SHIPMENTS

§ 933.316 *Tangerine Regulation 58*—(a) *Findings.* (1) Pursuant to the amended marketing agreement and the order, as amended (7 CFR, Cum. Supp., 933.1 et seq.; 11 F. R. 9471), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, issued under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., December 2, 1946, and ending at 12:01 a. m., e. s. t., December 16, 1946, no handler shall ship:

(i) Any tangerines, grown in the State of Florida, which grade U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade (as such grades are defined in the U. S. Standards for Tangerines, issued by the United States Department of Agriculture, effective September 29, 1941, as amended); or

(ii) Any tangerines, grown in the State of Florida, which are of a size smaller than the size that will pack 210 tangerines, packed in accordance with the requirements of a standard pack (as such pack is defined in the aforesaid U. S. Standards), in a half-standard box (inside dimensions 9½ x 9½ x 19⅛ inches; capacity 1,726 cubic inches).

(2) As used herein, "handler" and "ship" shall have the same meaning as is given to each such term in said amended marketing agreement and order. (48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 27th day of November 1946.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 46-21070; Filed, Nov. 29, 1946; 8:59 a. m.]

[Grapefruit Reg. 41]

PART 955—GRAPEFRUIT GROWN IN THE STATE OF ARIZONA; IN IMPERIAL COUNTY, CALIFORNIA; AND IN THAT PART OF RIVERSIDE COUNTY, CALIFORNIA, SITUATED SOUTH AND EAST OF THE SAN GORGONIO PASS

LIMITATION OF SHIPMENTS

§ 955.302 *Grapefruit Regulation 41*—(a) *Findings.* (1) Pursuant to the marketing agreement and the order (7 CFR, Cum. Supp., 955.1 et seq.) regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, California; and in that part of Riverside County, California, situated south and east of the San Gorgonio Pass, issued under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation of the Administrative Committee established under the said marketing agreement and the said order, and upon other available information, it is hereby found that the limitation of shipments of such grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) During the period beginning at 12:01 a. m., p. s. t., December 1, 1946, and ending at 12:01 a. m., p. s. t., January 19, 1947, no handler shall ship:

(i) Any grapefruit grown in the State of Arizona; in Imperial County, California; or in that part of Riverside County, California, situated south and

east of the San Gorgonio Pass, which grade lower than U. S. No. 2 grade, as such grades are defined in the U. S. Standards for California and Arizona Grapefruit, issued by the United States Department of Agriculture, effective March 15, 1941; or

(ii) From the State of California or the State of Arizona (*a*) to any point outside thereof in the United States, any such grapefruit which are of a size smaller than 3 11/16 inches in diameter, or (*b*) to any point outside thereof in Canada, any such grapefruit which are of a size smaller than 3 6/16 inches in diameter ("diameter" in each case to be measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit), except that a tolerance of 5 percent, by count, of grapefruit smaller than such minimum sizes shall be permitted, which tolerances shall be applied in accordance with the provisions for the application of tolerances, specified in the said U. S. Standards for California and Arizona Grapefruit: *Provided*, That in determining the percentage of grapefruit in any lot which are smaller than 3 11/16 inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size 4 2/16 inches in diameter and smaller; and in determining the percentage of grapefruit in any lot which are smaller than 3 6/16 inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size 3 13/16 inches in diameter and smaller.

(2) As used herein, "handler" and "ship" shall have the same meaning as is given to each such term in said marketing agreement and order. (48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 27th day of November 1946.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 46-21071; Filed, Nov. 29, 1946; 8:45 a. m.]

TITLE 12—BANKS AND BANKING

Chapter II—Federal Reserve System

Subchapter A—Board of Governors of the Federal Reserve System

[Reg. W]

PART 222—CONSUMER CREDIT

1. With respect to all transactions effected on or after December 1, 1946, Part 222 is hereby amended to read as follows: [1]

Sec.
222.1 Scope and application of part.
222.2 General requirements and registration.
222.3 Instalment sales, general rules.
222.4 Instalment loans, general rules.
222.5 Renewals, revisions, and additions.
222.6 Certain technical provisions.
222.7 Exempt credits.
222.8 Miscellaneous provisions, definitions.
222.9 Supplement: listed articles, maturities, down payments, loan values.

AUTHORITY: §§ 222.1 to 222.9, inclusive, issued under sec. 5 (b), 40 Stat. 415, as amended by sec. 5, 40 Stat. 966, sec. 2, 48 Stat. 1, sec. 1, 54 Stat. 179, secs. 301 and 302, 55 Stat. 839, 840; 12 U. S. C. and Sup., 95a, 50 U. S. C. App. 616, 617; E. O. 8843, Aug. 9, 1941; 3 CFR Cum. Supp.

§ 222.1 *Scope and application of part.* This part is issued by the Board of Governors of the Federal Reserve System (hereinafter called the "Board") under authority of section 5 (b) of the act of October 6, 1917, as amended, and Executive Order No. 8843, dated August 9, 1941 (hereinafter called the "Executive order").

The part applies, in general, to any person who is engaged in the business of making extensions of instalment credit in amounts of $2,000 or less, or discounting or purchasing obligations arising out of such extensions of credit. It applies whether the person is a bank, loan company, or finance company, or a person who is so engaged in connection with any other business, such as by making such extensions of credit as a dealer, retailer, or other person in connection with the selling of consumers' durable goods.

§ 222.2 *General requirements and registration*—(a) *General requirements.* No person engaged in the business of making instalment sales [2] or instalment loans,[3] or engaged in the business of lending on the security of or discounting or purchasing obligations arising out of such extensions of credit, shall make or receive any payment which constitutes or arises directly or indirectly out of any such extension of credit made by him or out of any such obligation lent on or discounted or purchased by him, except on the following conditions:

(1) He must be licensed pursuant to this section (any person so licensed being hereinafter called a "Registrant"); and

(2) The extension of credit made, renewed, revised or consolidated by him, or giving rise to the obligation discounted or purchased by him or acquired by him as collateral, must comply with the applicable requirements of this part.

(b) *Registration and general license.* Any person whose license is not suspended under § 222.8 (b) may become licensed by filing, with the Federal Reserve Bank or any branch thereof in the district in which the main office of the registrant is located, a registration statement on forms obtainable from any Federal Reserve Bank or branch. Whenever any person who was not formerly subject to § 222.2 (a) becomes subject thereto, such person is hereby granted a general license for 60 days.

§ 222.3 *Instalment sales; general rules.* Except as otherwise permitted by this part, each instalment sale shall comply with the following requirements:

(a) *Down payment and maturity.* There shall be a down payment not less than that specified for the listed article in § 222.9, such down payment to be calculated as therein specified; and the maturity shall not exceed that specified for the listed article in § 222.9.

(b) *Amounts and intervals of instalments.* Except as permitted by § 222.6 (a) for seasonal incomes, the time balance shall be payable in instalments which shall be (1) substantially equal in amount or so arranged that no instalment is substantially greater than any preceding instalment, (2) payable at approximately equal intervals not exceeding one month, and (3) not less than $5.00 per month or $1.25 per week on the aggregate instalment indebtedness of one debtor to the same creditor.

(c) *Statement of transaction.* The instalment sale shall be evidenced by a written instrument or record which shall set forth the information specified in § 222.6 (c).

§ 222.4 *Instalment loans; general rules.* Except as otherwise permitted by this part, each instalment loan shall comply with the following requirements:

(a) *Instalment loans to purchase listed articles.* If the registrant knows or has reason to know that the proceeds of an instalment loan are to be used to purchase any listed article:

(1) The principal amount lent (excluding any interest or finance charges and the cost of any insurance) shall not exceed the maximum loan value specified for the article in § 222.9, such loan value to be calculated as therein specified; and

(2) The maturity shall not exceed the maximum maturity specified for the listed article in § 222.9.

(b) *Unclassified instalment loans.* In the case of an instalment loan which is not subject to § 222.4 (a), the maximum maturity shall not exceed the maximum maturity specified therefor in § 222.9.

(c) *Amounts and intervals of instalments; record.* Whether subject to § 222.4 (a) or § 222.4 (b), the instalment loan, except as permitted by § 222.6 (a) for seasonal incomes, shall be payable in instalments which shall be (1) substantially equal in amount or so arranged that no instalment is substantially greater in amount than any preceding instalment, (2) payable at approximately equal intervals not exceeding one month, and (3) not less than $5.00 per month or $1.25 per week on the aggregate instalment indebtedness of one debtor to the same creditor. It shall be evidenced by a written instrument or record which shall set forth the terms of payment.

(d) *Statement of the borrower.* No registrant shall make any instalment loan subject to § 222.4 (a) or § 222.4 (b) unless he shall have accepted in good faith a signed Statement of the Borrower as to the purposes of the loan. Such Statement shall state whether or not any of the proceeds of the loan are to be used to make a down payment on the

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[1] This revised part shall apply to transactions effected on or after December 1, 1946, and the revision shall not affect any transaction prior to such date.

[2] It is to be noted that "instalment sale" is defined to include only instalment credit arising out of the sale of an article listed in the Supplement, hereinafter called a "listed article."

[3] Both "instalment sale" and "instalment loan" are defined to exclude credits in a principal amount exceeding $2,000.

purchase of a listed article or to be used to purchase any listed article, and if any any of the proceeds of the loan are to be used for the latter purpose such Statement shall identify such listed article and shall state the cash price thereof and the value of any trade-in. If a registrant relies in good faith on the facts set out by the obligor in such Statement, it shall be deemed to be correct for the purposes of the registrant.

(e) *Loans to make down payments prohibited.* A registrant shall not make any instalment loan if he knows or has reason to know that any part of the proceeds thereof is to be used to make a down payment on the purchase price of any listed article.

§ 222.5 *Renewals, revisions and additions*—(a) *General requirements.* In the case of an instalment sale or instalment loan which results from a renewal or revision of any such credit already outstanding, or which results from the combination of any such outstanding credit with an additional extension of instalment credit, the renewed, revised or consolidated obligation shall comply with all the requirements of this part as if it were a new extension of credit except that:

(1) The requirements as to Statement of Borrower and down payment or maximum loan value, if any, shall not apply to the outstanding credit already held by the Registrant; and

(2) The renewed, revised or consolidated obligation may, in so far as the maturity and instalment requirements are concerned, be treated as if it were a new credit with the maximum maturity calculated from the date of the renewal, revision of consolidation. The payments on such renewed, revised, or consolidated obligation shall not be less than $5.00 per month or $1.25 per week on the aggregate instalment indebtedness of one debtor to the same creditor.

(b) *Statement of changed conditions.* Notwithstanding any other provision of this part, if a registrant accepts in good faith a statement of changed conditions as provided in this paragraph, an extension of instalment credit that refinances any outstanding obligation (whether or not such obligation is held by the registrant or is itself payable in instalments) may have a maturity not exceeding that specified in the Supplement for refinancing pursuant to such statements, but such maturity shall be applicable only to the credit refinanced. The payments on the credit refinanced need not be as large as $5.00 per month or $1.25 per week.

The requirements of a statement of changed conditions will be complied with only if the registrant accepts in good faith a written statement signed by the obligor that the contemplated refinancing is necessary in order to avoid undue hardship upon the obligor or his dependents resulting from contingencies that were unforeseen by him at the time of obtaining the original extension of credit or which were beyond his control, which statement also sets forth briefly the principal facts and circumstances (1) with respect to the original extension of credit and (2) with respect to such contingencies, and specifically states in addition that the contemplated refinancing is not pursuant to a preconceived plan or an intention to evade or circumvent the requirements of this part.

(c) *Bona fide collection effort; servicemen's pre-induction debt.* Nothing in this part shall be construed to prevent any registrant from making any renewal or revision, or taking any action that he shall deem necessary in good faith (1) for the registrant's own protection in connection with any obligation which is in default and is the subject of bona fide collection effort by the registrant, or (2) with respect to any obligation of any member or former member of the armed forces of the United States incurred prior to this induction into such service.

§ 222.6 *Certain technical provisions*—(a) *Special payment schedules for seasonal incomes.* If the income received by an obligor from the main sources of his income customarily fluctuates materially from month to month or from season to season, the payment schedule may be adapted, within the applicable maximum maturity, to such customary flow of income, provided the obligation complies with one or the other of the following requirements: (1) At least half of the credit is to be repaid within the first half of the applicable maximum maturity; or (2) payments are reduced or omitted in not more than 4 months of any calendar year but are otherwise in equal monthly amounts. In all such cases, a statement of the facts relied upon shall be preserved in the registrant's files for the life of the obligation.

(b) *Calculating maximum maturity of contract.* In calculating the maximum maturity of an instalment sale or instalment loan, a registrant may, at his option, use any date not more than 15 days subsequent to the actual date of the sale or loan.

(c) *Record of instalment sale.* The instrument or record evidencing an instalment sale pursuant to § 222.3 (c) shall set forth (in any order) the following information:

(1) A brief description identifying the article purchased;

(2) The cash price of the article;

(3) The amount of the purchaser's down payment (i) in cash and (ii) in goods accepted in trade, together with a brief description identifying such goods and stating the monetary value assigned thereto in good faith;

(4) The amount of any insurance premium for which credit is extended and of any finance charges or interest by way of discount included in the principal amount of the obligation, or the sum of these amounts;

(5) The time balance owed by the purchaser, which is the sum of items in paragraphs (c) (2) and (c) (4) minus the item in paragraph (c) (3) of this section;

(6) The terms of payment.

The instrument or record need not include a description of the article if it is purchased by means of a coupon book or similar medium of instalment credit upon which a cash down payment of at least one-third of its purchase value has been made. The instrument or record need not include the information called for by items in paragraphs (c) (2) and (c) (4) of this section if the registrant is one who quotes to the public a time price for the article which includes the finance charge if any, provided he sets forth such time price in such instrument or record, and provided he obtains a cash down payment which is at least as large as would be required if the percentage specified for the article in § 222.9 were applicable to the time price.

(d) *Extension of credit for mixed purposes.* In case an extension of credit is partly subject to one section of this part and partly subject to another section, the amount and terms of such extension of credit shall be such as would result if the credit were divided into two or more parts and each part were treated as if it stood alone. In case an extension of credit is partly subject to this part and partly not subject to the part, the amount and terms of such extension of credit shall be such as would result if the credit were divided and the part subject to the part were treated according to the applicable provisions of the part; the part not subject to the part may be treated as if the part did not exist.

(e) *"Lay-away" plans.* With respect to any extension of credit involving a bona fide "lay-away" plan, or other similar plan by which a purchaser makes one or more payments on an article before receiving delivery thereof, the Registrant may, for the purposes of this part, treat the extension of credit as not having been made until the date of the delivery of the article to the purchaser.

(f) *Mail orders.* An instalment sale shall not be deemed to be in violation of the down payment requirement of § 222.3 (a) if the sale is made upon the receipt of a mail order for one or more articles and the cash deposit received with the order fails by less than $1.00 to equal the sum of the down payments required by this part for all of the articles included in the order.

(g) *Delivery in anticipation of instalment sale.* In case a listed article is delivered in anticipation of an instalment sale of that article or a similar article (such as a delivery "on approval," "on trial," or as a "demonstrator"), the registrant shall require, at or before the time of such delivery, a deposit equal to the down payment that would be required on such an instalment sale.

(h) *Sets and groups of articles.* In determining whether an article is a "listed article", the word "article" shall be deemed to include any set, group or assembly commonly considered, sold or used as a single unit, if the component parts thereof are sold or delivered at substantially the same time.

(i) *Evasive side agreements.* No extension of credit complies with the requirements of this part if at the time it is made there is any agreement, arrangement, or understanding (1) by which the obligation is to be renewed or revised on terms which would permit final payment to be deferred beyond the date permitted by this part for such credit at its inception, or (2) by which the obligor is to be enabled to make repayment on conditions inconsistent in any other respect

with those required by this part, or (3) by which there is to be any evasion or circumvention, or any concealment of any evasion or circumvention, of any requirement of this part.

(j) *Side loan to make down payment.* A registrant shall not make an extension of instalment credit to finance the purchase of any listed article if he knows or has reason to know that there is, or that there is to be, any other extension of credit of any kind in connection with the purchase of the listed article which would bring the total amount of credit extended in connection with such purchase beyond the amount of instalment credit permitted by this part; but, if the registrant accepts in good faith a written statement signed by the obligor that no such other extension exists or is to be made, such statement shall be deemed to be correct for the purposes of the registrant.

(k) *Purchase of article in lieu of trade-in.* Anything which the seller of a listed article buys, or arranges to have bought, from the purchaser at or about the time of the purchase of the listed article shall be regarded as a trade-in for the purposes of this part.

(l) *Misuse of coupon plans.* No coupon, ticket or similar medium of credit, whether paid for in instalments or otherwise, shall be accepted by any registrant in payment, in whole or in part, for any listed article if such acceptance, in effect, would permit the article to be sold on terms not complying with the requirements of this part.

§ 222.7 *Exempt credits.* This part shall not apply to any of the following:

(a) *Business or agricultural loans.* Any loan for business purposes to a business enterprise or for agricultural purposes to a person engaged in agriculture, provided the loan is not for the purpose of purchasing a listed article.

(b) *Credit to dealers and certain salesmen.* Any extension of credit to a wholesaler or retailer to finance the purchase of any article for resale, or any extension of credit which is made to a bona fide salesman of automobiles in order to finance the purchase of a new automobile to be used by him principally as a demonstrator.

(c) *Credit to governmental agencies, religious institutions, etc.* Any extension of credit to the Federal Government, any State government, any political subdivision, or any department, agency or establishment thereof, or to any church, hospital, clinic, sanitarium, school, college, or other religious, educational, charitable, or eleemosynary institution.

(d) *Credits under Government rehabilitation and readjustment programs.* Any extension of credit (1) made by the Land Bank Commissioner on behalf of the Federal Farm Mortgage Corporation or by any Federal land bank and found, pursuant to regulations issued by the Commissioner, to be necessary to maintain or increase production of essential agricultural commodities, (2) made or insured by the Farmers' Home Administration, (3) made in accordance with the regulations of the Secretary of the Interior for the economic development or rehabilitation of Indians, (4) made by the Disaster Loan Corporation, or (5) made, guaranteed or insured in whole or in part by the Administrator of Veterans' Affairs pursuant to the provisions of Title III of the Servicemen's Readjustment Act of 1944, or by any State agency pursuant to similar State legislation.

(e) *Loans to pay fire and casualty insurance premiums.* Any loan to finance a premium in excess of one year on a fire or casualty insurance policy, if the loan is fully secured by the unearned portion of such premium.

(f) *Credit for purchasing securities.* Any extension of credit which is subject to the Board's regulations under the Securities Exchange Act of 1934 or which is otherwise for the purpose of purchasing or carrying stocks, bonds, or other investment securities.

(g) *Real estate and home improvement loans.* Any extension of credit which is for the purpose of financing or refinancing (1) the construction or purchase of an entire residential building or other structure or (2) repairs, alterations, or improvements upon urban, suburban or rural real property in connection with existing structures, except to the extent that such repairs, alterations, or improvements incorporate any listed article.

(h) *Loans to meet medical expenses, etc.* Any loan as to which the Registrant accepts in good faith a written statement signed by the borrower certifying that the proceeds are to be used for bona fide educational, medical, hospital, dental, or funeral expenses, or to pay debts incurred for such expenses, and that such proceeds (unless they are to be used exclusively for educational expenses) are to be paid over in amounts specified in such statement to persons whose names, addresses, and occupations are stated therein.

(i) *Disaster credits.* Any extension of credit to finance the repair or replacement of property damaged or lost as a result of a flood or other similar disaster which the Federal Reserve Bank of the district in which the disaster occurred finds has created an emergency affecting a substantial number of the inhabitants of the stricken area, provided such extension is made prior to the end of the sixth calendar month following the month in which the disaster occurred and a statement describing the damage or loss is preserved in the registrant's files.

§ 222.8 *Miscellaneous provisions; definitions*—(a) *Preservation of records; inspections.* Every registrant shall preserve, for the life of the obligation to which they relate, such books of account, records, and other papers (including any statements required by or obtained pursuant to this part) as are relevant to establishing whether or not an extension of credit within the scope of this part was in conformity with the requirements thereof, *Provided, however,* That the registrant may preserve photographic reproductions in lieu of such books of account, records or papers.

For the purpose of determining whether or not there has been compliance with the requirements of this part, every person required to be licensed under § 222.2 (a) shall permit the Board or any Federal Reserve Bank by its duly authorized representatives, to make such inspections of his business operations as the Board or Federal Reserve Bank may deem necessary or appropriate, including inspections of books of account, contracts, letters or other relevant papers wherever located, and, for such purpose, shall furnish such reports as the Board or the Federal Reserve Bank may require. When ordered to do so by the Board, every such person shall furnish, under oath or otherwise, such information relative to any transaction within the scope of the Executive order as the Board may deem necessary or appropriate for such purpose, including the production of books of account, contracts, letters or other papers in the custody or control of such person.

(b) *Suspension of license.*[*] The license of any registrant may, after reasonable notice and opportunity for hearing, be suspended by the Board, in its entirety or as to particular activities or particular offices or for specified periods, on any of the following grounds:

(1) Any material misstatement or omission willfully or negligently made in the registration statement;

(2) Any willful or negligent failure to comply with any provision of this part or any requirement of the Board pursuant thereto.

A license which is suspended for a specified period will again become effective upon the expiration of such period. A license which is suspended indefinitely may be restored by the Board, in its discretion, if the Board is satisfied that its restoration would not lead to further volations of this part and would not be otherwise incompatible with the public interest.

(c) *Enforceability of contracts.* Except as may subsequently be otherwise provided, all provisions of this part are designated, pursuant to section 2 (d) of the Executive order, as being "for administrative purposes" within the meaning of said section 2 (d), which provides that noncompliance with provisions of the part so designated shall not affect the right to enforce contracts.

(d) *Clerical errors.* Any failure to comply with this part resulting from a mistake in determining, calculating, or recording any price, down payment, or extension of credit, or other similar matter, shall not be construed to be a violation of this part if the registrant establishes that such failure to comply was the result of excusable error and was not occasioned by a regular course of dealing.

[*] In addition, any registrant who willfully violates or knowingly participates in a violation of this part is subject to the penalties prescribed in section 5 (b) of the act of October 6, 1917, as amended, which reads in part as follows "Whoever willfully violates any of the provisions of this subdivision or of any license, order, rule, or regulation issued thereunder, shall, upon conviction, be fined not more than $10,000, or, if a natural person, may be imprisoned for not more than ten years, or both; and any officer, director, or agent of any corporation who knowingly participates in such violation may be punished by a like fine, imprisonment or both."

(e) *Non-compliance due to facts outside registrant's knowledge.* The prohibitions of this part shall not apply to a registrant with respect to any failure to comply with this part in connection with (1) an extension of credit made by him if, at the time he made it, he did not know or have reason to know any fact by reason of which such extension failed to comply; (2) an obligation purchased, discounted or acquired as collateral by him if, when he purchased or discounted the obligation or acquired it as collateral, the obligation did not show on its face any failure to comply and he did not know any fact by reason of which the extension of credit giving rise to the obligation failed to comply; or (3) an obligation renewed, revised, or consolidated by him if, at the time when he renewed, revised or consolidated it, he did not know or have reason to know any fact by reason of which such renewal, revision or consolidation failed to comply. With respect to any loan on the security of an obligation which arises out of an extension of credit subject to this part, the prohibitions of this part shall be deemed to apply only to payments arising out of the obligation rather than to payments arising out of the loan.

(f) *Transactions outside United States.* Nothing in this part shall apply with respect to any extension of credit made in Alaska, the Panama Canal Zone, or any territory or possession outside the continental United States.

(g) *Right of registrant to impose stricter requirements.* Any registrant has the right to refuse to extend credit, or to extend less credit than the amount permitted by this part, or to require that repayment be made within a shorter period than the maximum permitted by this part.

(h) *Definitions.* For the purposes of this part, unless the context otherwise requires:

(1) "Person" means an individual, partnership, association, or corporation.

(2) "Registrant" means a person who is licensed pursuant to § 222.2 (b).

(3) "Extension of credit" has the meaning given it in the Executive order.[5]

(4) "Instalment credit" means an extension of credit which the obligor undertakes to repay in two or more scheduled payments or as to which the obligor undertakes to make two or more scheduled payments or deposits usable to liquidate the credit, or which has a similar purpose or effect.

(5) "Instalment sale" means an instalment credit in a principal amount of $2,000 or less which is made as principal, agent or broker, by any seller of any consumers' durable goods listed in § 222.9 (herein called a "listed article") and which arises out of a sale of such listed article. For this purpose, "sale" includes a lease, bailment, or other transaction which is similar in purpose or effect to a sale.

(6) "Instalment loan" means an instalment credit, other than an instalment sale, in the form of a loan which is in a principal amount of $2,000 or less; but the definition does not include any loan upon the security of any obligation which arises out of any instalment sale or instalment loan.

(7) "Cash price" means the bona fide cash purchase price of an article, including the bona fide cash purchase price of any accessories, any bona fide delivery, installation and service charges (other than interest, finance or insurance charges), and any applicable sales taxes.

§ 222.9 *Supplement; listed articles, maturities, down payments, loan values—*(a) *Listed articles, maturities, down payments, loan values.* For the purposes of this part, the following articles, whether new or used, are "listed articles", and the following maximum maturities, required down payments and maximum loan values are prescribed (such down payments and loan values to be calculated as specified in paragraphs (d) and (e) of this section); but no article having a cash price of less than $50.00 shall be considered a listed article:

(1) *Group A; 15 months' maximum maturity, 33⅓ percent minimum down payment, 66⅔ percent maximum loan value.* (i) Automobiles (passenger cars designed for the purpose of transporting less than 10 passengers, including taxicabs).

(2) *Group B; 15 months' maximum maturity, 33⅓ percent minimum down payment, 66⅔ percent maximum loan value.* (i) Cooking stoves and ranges, designed for household use. (ii) Dishwashers, mechanical, designed for household use. (iii) Ironers designed for household use.

(iv) Refrigerators, mechanical, of less than 12 cubic feet rated storage capacity (including food freezers).

(v) Washing machines designed for household use.

(vi) Combination units incorporating any listed article in the foregoing classifications of this Group B.

(vii) Air conditioners, room unit.

(viii) Radio receiving sets, phonographs, or combinations.

(ix) Sewing machines designed for household use.

(x) Suction cleaners designed for household use.

(3) *Group C, 15 months' maximum maturity, 20 per cent minimum down payment, 80 per cent maximum loan value.* (i) Furniture, household (including ice refrigerators, bed springs, mattresses and lamps); and floor coverings, soft surface.

(b) *Unclassified instalment loans.* The maximum maturity of any instalment loan subject to § 222.4 (b) shall be 15 months.

(c) *Refinancing pursuant to statement of changed conditions.* The maximum maturity of any refinancing pursuant to a statement of changed conditions as specified in § 222.5 (b) shall be 18 months.

(d) *Calculation of down payments for automobiles.* In the case of a new automobile, the required down payment and maximum loan value shall be the specified percentage of the cash price; and such down payment may be obtained in the form of cash, trade-in, or both.

The same rule shall apply in the case of a used automobile, except that after January 1, 1947, the maximum loan value shall be the specified percentage of the cash price or of the "appraisal guide value," whichever is lower, and the required down payment shall be the difference between the cash price and the maximum loan value as so calculated.

"Appraisal guide value" means the estimated average retail value as stated in such edition of any regularly published automobile appraisal guide as the Board may designate for this purpose for use in the territory in which such used automobile is sold, plus any applicable sales taxes. Information as to the guide or guides designated for any given territory may be obtained from any Federal Reserve Bank or branch.

(e) *Calculation of down payments for articles in Group B or Group C.* If any article is traded in by the purchaser on an article listed in Group B or Group C, the required down payment and the maximum loan value shall be the specified percentage of the net price of the article after deducting from the cash price the amount allowed for the trade-in; and such down payment shall be obtained in cash in addition to the trade-in.

2a. This amendment to Part 222, like the original part, is issued by the Board of Governors of the Federal Reserve System under authority of section 5 (b) of the Act of October 6, 1917, as amended (40 Stat. 415; 12 U. S. C. 95a), and Executive Order No. 8843, dated August 9, 1941.

The purpose of the amendment is to make the part administratively more workable without materially weakening its stabilizing and anti-inflationary effects. The part as revised is intended to carry out the purposes of the Executive order in the light of present conditions and the general credit situation of the country.

b. The notice and public procedure described in sections 4 (a) and 4 (b) of the Administrative Procedure Act, and the thirty day prior publication described in section 4 (c) of such act, are impracticable, unnecessary and contrary to the public interest in connection with this amendment for the following reasons and good cause found: (1) The amendment is essentially one that eases restrictions of the part, (2) for the reasons stated in section (2 (e) of the rules of procedure of the Board of Governors of the Federal Reserve System, a large part of the subject-matter of the amendment is not adapted to such procedure or prior pub-

[5] The pertinent part of the Executive order reads as follows: "Extension of credit" means any loan or mortgage; any instalment purchase contract, any conditional sales contract, or any sale or contract of sale under which part or all of the price is payable subsequent to the making of such sale or contract; any rental-purchase contract, or any contract for the bailment or leasing of property under which the bailee or lessee either has the option of becoming the owner thereof or obligates himself to pay as compensation a sum substantially equivalent to or in excess of the value thereof; any contract creating any lien or similar claim or property to be discharged by the payment of money; any purchase, discount, or other acquisition of, or any extension of credit upon the security of, any obligation or claim arising out of any of the foregoing; and any transaction or series of transactions having a similar purpose or effect.

lication, and (3) any changes not covered by (1) or (2), or both, are minor amendments of a technical character.

Approved this 15th day of November 1946.

[SEAL] BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
S. R. CARPENTER,
Secretary.

[F. R. Doc. 46-20987; Filed Nov. 29, 1946; 8:54 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

PART 292—EXEMPTIONS AND CLASSIFICATIONS

CROSS REFERENCE: For notice of proposed rule making under this part, see F. R. Doc. 46-20984, Civil Aeronautics Board, in Notices section, *infra*.

TITLE 15—COMMERCE

Chapter I—Bureau of the Census, Department of Commerce

PART 30—FOREIGN TRADE STATISTICS

EXPORT DECLARATIONS

CROSS REFERENCE: For notice of proposed rule making under this part, see F. R. Doc. 46-21014, Department of Commerce, Bureau of the Census, in Notices section, *infra*.

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 5370]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

ROBERT ROSOFF

§ 3.45 (e) *Discriminating in price—Indirect discrimination—Brokerage payments.* In connection with the purchase of furs and fur garments in commerce, receiving or accepting, directly or indirectly, from any seller anything of value as a commission or brokerage, or any compensation, allowance or discount in lieu thereof, upon purchases made for respondent's own account or for the account of any purchaser for whom respondent is acting as agent or representative; prohibited. (Sec. 2 (c), 49 Stat. 1527; 15 U. S. C., sec. 13 (c)) [Cease and desist order, Robert Rosoff, Docket 5370, October 30, 1946]

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 30th day of October A. D. 1946.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of the respondent, in which answer respondent admits all of the material allegations of fact set forth in the complaint and waives all intervening procedure, and the Commission having made its findings as to the facts and its conclusion that the respondent has violated the provisions of subsection (c) of section 2 of the act of Congress entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914 (the Clayton Act), as amended by the Robinson-Patman Act, approved June 19, 1946 (15 U. S. C., sec. 13):

It is ordered, That the respondent, Robert Rosoff, and his agents, representatives and employees, directly or through any corporate or other device, in connection with the purchase of furs and fur garments in commerce, as "commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist from:

Receiving or accepting, directly or indirectly, from any seller anything of value as a commission or brokerage, or any compensation, allowance or discount in lieu thereof, upon purchases made for respondent's own account or for the account of any purchaser for whom respondent is acting as agent or representative.

It is further ordered, That the respondent shall, within sixty (60) days after the service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 46-20534; Filed, Nov. 29, 1946; 8:52 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 210—FORM AND CONTENT OF FINANCIAL STATEMENTS UNDER THE SECURITIES ACT OF 1933, SECURITIES EXCHANGE ACT OF 1934 AND INVESTMENT COMPANY ACT OF 1940

Acting pursuant to the authority conferred upon it by the Securities Act of 1933, particularly sections 7 and 19 (a) thereof, the Securities Exchange Act of 1934, particularly sections 12, 13, 15 (d), and 23 (a) thereof, and the Investment Company Act of 1940, particularly sections 8, 30 and 31 (c) and 38 (a) thereof, and deeming such action necessary and appropriate in the public interest and for the protection of investors and necessary for the execution of the functions vested in it by said acts, the Securities and Exchange Commission hereby amends Part 210 (Regulation S-X) as follows:

I. Section 210.4-10 (Rule 4-10) is deleted.

II. Section 210.11-01 (Rule 11-01) is amended by deleting therefrom the reference § 210.6-02 (caption 24) (Rule 6-02) in the second line thereof.

As amended the text of the section reads as follows:

§ 210.11-01 *Application of §§ 210.11-01 and 210.11-02.* Sections 210.11-01 and 210.11-02 prescribe the content of the statements of surplus specified in §§ 210.5-02 (caption 34) and 210.7-03 (caption 20) (Rules 5-02 and 7-03).

III. Subparagraph (a) of caption 1 of § 210.11-02 (Rule 11-02) is amended by inserting a period after the word "accounts" in the second line and deleting the text thereafter.

As amended paragraph (a) reads as follows:

§ 210.11-02 *Statement of surplus.* * * *

1. *Balance at beginning of period.* (a) The balance at the beginning of the period of report may be as per accounts.

IV. Section 210.12-20 (Rule 12-20) is deleted.

V. Sections 210.6-01 to 210.6-04 (Article 6) and §§ 210.12-19, 210.12-21 and 210.12-22 of Article 12 (Rules 12-19, 12-21 and 12-22 of Article 12) are deleted in their entirety and there is substituted therefor the following new §§ 210.6-01 to 210.6-09 (Article 6) and the following new §§ 210.12-19, 210.12-21 and 210.12-22 of Article 12 (Rules 12-19, 12-21 and 12-22 of Article 12):

MANAGEMENT INVESTMENT COMPANIES

§ 210.6-01 *Application of §§ 210.6-01 to 210.6-09.* Sections 210.6-01 to 210.6-09 shall be applicable to financial statements filed for management investment companies other than those which are issuers of periodic payment plan certificates.

§ 210.6-02 *Special rules applicable to management investment companies.* The financial statements filed for persons to which §§ 210.6-01 to 210.6-09, inclusive, are applicable shall be prepared in accordance with the following special rules in addition to the general rules in §§ 210.1-01 to 210.4-13 (Articles 1, 2, 3 and 4). Where the requirements of a special rule differ from those prescribed in a general rule, the requirements of the special rule shall be met.

(a) *Content of financial statements.* The financial statements shall be prepared in accordance with the requirements of Part 210 (Regulation S-X) notwithstanding any provision of the articles of incorporation, trust indenture or other governing legal instruments specifying certain accounting procedures inconsistent with those herein required.

(b) *Certification.* Where, under the applicable form, financial statements are required to be certified, the certifying accountant shall have been selected and ratified in accordance with sec. 32 of the Investment Company Act of 1940, 54 Stat. 838, 15 U. S. C. 1140, and the applicable rules thereunder.

(c) *Consolidated and combined statements.* (1) Consolidated and combined statements filed for management investment companies shall be prepared in accordance with §§ 210.4-01 to 210.4-13 (article 4) except that (i) statements of the registrant may be consolidated only with the statements of subsidiaries which are investment companies; (ii) a consolidated statement of the registrant and any of its investment company subsidiaries shall not be filed unless accompanied by a consolidating statement which sets forth the individual state-

ments of each significant subsidiary included in the consolidated statement: *Provided, however,* That a consolidating statement need not be filed if all included subsidiaries are totally held; and (iii) consolidated or combined statements filed for subsidiaries not consolidated with the registrant shall not include any investment companies unless accompanied by consolidating or combining statements which set forth the individual statements of each included investment company which is a significant subsidiary.

(2) If consolidated statements are filed, the amounts included under each caption in which financial data pertaining to affiliates is required to be furnished shall be subdivided to show separately the amounts (i) eliminated in consolidation and (ii) not eliminated in consolidation.

(d) *Affiliates.* The term "affiliate" means an "affiliated person" as defined in sec. 2 (a) (3) of the Investment Company Act of 1940 (sec. 2 (a) (3), 54 Stat. 791, 15 U. S. C. 1112). The term "control" has the meaning given in sec. 2 (a) (9) of that act, 54 Stat. 791, 15 U. S. C. 1113.

(e) *Value.* As used in § 210.6–01 to 210.6–09, the word "value" shall have the meaning given in sec. 2 (a) (39) (B) of the Investment Company Act of 1940, 54 Stat. 796, 15 U. S. C. 1115.

(f) *Valuation of assets.* (1) The balance sheets of open-end companies shall reflect all assets at value, showing cost parenthetically.

(2) The balance sheets of closed-end companies shall either (i) reflect all assets at cost, showing value parenthetically, or (ii) reflect all assets at value, showing cost parenthetically. If assets are reflected at cost, however, due consideration shall be given to evidence of probable loss and, where such evidence indicates an apparently permanent decline in underlying value and earning power, recognition thereof shall be made by means of an appropriate write-down or the establishment of an appropriate reserve.

(3) The balance sheet shall clearly disclose whether assets are carried at cost or value.

(g) *Cost in case of reorganizations, exchanges of investments, syndicate operations, etc.* Where information as to the cost of investments is required to be furnished, the term "cost" shall have the indicated special meaning in the following instances:

(1) *Reorganizations and quasi-reorganizations.* Where investments have been adjusted in the course of a reorganization or quasi-reorganization of the registrant, "cost" shall mean such adjusted amount. The date of and a brief statement as to such adjustment shall be given in a note referred to in the balance sheet.

(2) *Exchanges of investments.* (i) Where investments have been acquired in exchange for other investments as a result of a reorganization, consolidation or merger of a portfolio company, "cost" of the investments acquired shall be the cost of the investments released. Due consideration shall, however, be given to evidence of probable loss and, where such evidence indicates an apparently permanent decline in underlying value and earning power, "cost" of the investments acquired shall be the value, on the effective date of the transaction, of the investments released or of the investments received, as appropriate.

(ii) In other cases in which investments have been acquired in exchange for assets other than cash, "cost" of the investments acquired shall be the value, on the effective date of the exchange, of the assets released or of the assets received, as appropriate.

(3) *Syndicate operations.* In the case of securities acquired through joint syndicate operations, "cost" shall be net of syndicate discounts and commission applicable thereto.

(h) *Issuance and repurchase of securities by a management investment company.* In a footnote or statement referred to in the balance sheet or other appropriate statement, show for each class of the company's securities:

(1) The number of shares or principal amount of bonds sold during the period of report, the amount received therefor, and, in the case of shares sold by closed-end companies, the difference, if any, between the amount received and the net asset value or preference in involuntary liquidation (whichever is appropriate) of securities of the same class prior to such sale; and

(2) The number of shares or principal amount of bonds repurchased during the period of report and the total or average cost thereof. Closed-end companies shall furnish the following additional information as to securities repurchased during the period of report:

(i) As to bonds and preferred shares, the aggregate difference between cost and the face amount or preference in involuntary liquidations and, if applicable net assets taken at value as of the date of repurchase were less than such face amount or preference, the aggregate difference between cost and such applicable net asset value;

(ii) As to common shares, the weighted average discount per share, expressed as a percentage, between cost of repurchase and the net asset value applicable to such shares at the date of repurchases.

The information required by subparagraph (2) (i) and (ii) of this paragraph may be based on reasonable estimates if it is impracticable to determine the exact amounts involved.

(i) *Federal income taxes.* Appropriate provision shall be made, on the basis of the applicable tax laws, for Federal income taxes that it is reasonably believed are, or will become, payable in respect of (1) current net income, (2) realized gain on investments and (3) unrealized appreciation on investments. The company's status as a "regulated investment company" as defined in Supplement Q of the Internal Revenue Code as amended shall be stated in a note referred to in the appropriate statements. Such note shall also indicate briefly the principal present assumptions on which the company has relied in making or not making provisions for such taxes.

(j) *Balance sheets; statements of assets and liabilities.* As used herein the term balance sheets shall include statements of assets and liabilities unless the context clearly indicates the contrary.

(k) *Inapplicable captions.* Attention is directed to the provisions of § 210.3–02 (Rule 3–02) which permit the omission of separate captions in financial statements as to which the items and conditions are not present, or the amounts involved not significant. However, amounts involving directors, officers, and affiliates shall nevertheless be separately set forth except as otherwise specifically permitted under a particular caption.

§ 210.6–03 *Balance sheets; statements of assets and liabilities.* Balance sheets and statements of assets and liabilities filed under this section shall comply with the following provisions:

ASSETS

1. *Cash and cash items.* State separately (a) cash on hand, demand deposits, and time deposits; (b) call loans; and (c) funds subject to withdrawal restrictions. Funds subject to withdrawal restrictions and deposits in closed banks shall not be included under this caption unless they will become available within one year.

2. *Dividends and interest receivable.* (a) Dividends shall not be included before the ex-dividend date, nor unless payment is reasonably assured by past experience, guaranty, or otherwise. No dividend shall be included on stocks issued or assumed by the company and held by or for it, whether held in its treasury, in sinking or other special funds, or pledged as collateral.

(b) Interest due or accrued on bonds, notes, deposits, open accounts, and other interest-bearing obligations owned, shall not be included unless payment is reasonably assured by past experience, guaranty, or otherwise. No interest shall be included on securities issued or assumed by the company and held by or for it, whether held in its treasury, in sinking or other special funds, or pledged as collateral.

3. *Notes receivable.*

4. *Accounts receivable.*

5. *Reserves for doubtful receivables.* Notes and accounts receivable known to be uncollectible shall be excluded from the asset as well as from the reserve account.

6. *Sundry assets of a current nature.* State separately (a) total of current amounts due from directors and officers; (b) participation in syndicates; and (c) any other significant amount.

7. *Investments in securities of unaffiliated issuers.* See § 210.6–02–6 (Rule 6–02–6).

(a) *United States Government bonds and other obligations.* Include only direct obligations of the United States Government.

(b) *Securities of other investment companies.* Such securities may be included under paragraph (c) if they amount in the aggregate to less than 5% of total assets.

(c) *Other securities.*

(d) Such further classification may be used as is appropriate under the circumstances.

(e) *Reserves for unrealized depreciation in value of securities.* If assets are reflected at cost, any reserve for unrealized depreciation shall be shown here as a deduction from the items to which applicable.

8. *Investments—other than securities.* State separately each major class. See § 210.6–02–6 (Rule 6–02–6).

9. *Investments in affiliates.* State separately investments in (a) controlled companies and (b) other affiliates. See § 210.6–02–6 (Rule 6–02–6).

10. *Prepaid expenses and other deferred items.* (a) State separately each of the following items if significant: (1) debt discount and expense, (2) organization expense, (3) commissions and expense on capital shares, and (4) other prepaid and deferred items showing separately any significant items. Explain in a note to this caption the provisions which have been made to write off or amortize such items.

(b) Recurrent costs of issuing shares, such as registration fees and expenses, shall be charged off in the statement of income and expense for the period in which such costs are incurred.

11. *Other assets.* State separately (a) total of amounts due from directors and officers, not included under caption 6 above; (b) each special fund of a significant amount; (c) real estate and improvements not included under caption 8 above; (d) furniture and fixtures; and (e) any other significant amounts.

LIABILITIES

12. *Notes payable.* State separately amounts payable within one year (a) to banks, and (b) to others. See caption 16 (a).

13. *Accounts payable.* State separately (a) the total of amounts payable for purchase of securities, and (b) other accounts payable.

14. *Accrued liabilities.* State separately (a) accrued salaries, (b) tax liability, (c) interest, and (d) any other significant items. If the total under this caption is not significant, it may be stated as one amount.

15. *Sundry liabilities of a current nature.* State separately (a) dividends declared; (b) bonds, notes, mortgage installments, and mortgages due within one year; (c) total of current amounts due to affiliates, excluding any amounts owing to noncontrolled affiliates which arose in the ordinary course of business and are subject to usual trade terms; (d) total of current amounts (other than as required under caption 14) due directors and officers; and (e) any other items of significant amount. Remaining items may be shown in one amount.

16. *Long-term debt*—(a) *Funded debt.* If any amount included herein will fall due within one year, indicate such amount and explain in a footnote the reason for not including such amount as a current liability under § 210.6-03-15 (Rule 6-03-15). See also caption 19 (c) (2).

(b) *Indebtedness to affiliates—not current.* State separately amounts due to (1) controlled companies and (2) other affiliates.

(c) *Other long-term debt.* Indicate whether secured. State separately (1) total of amounts due directors and officers; and (2) other long-term debt, specifying any significant item. State separately by years, in the balance sheet or in a note therein referred to, the total amounts of the respective maturities for the five years following the date of the balance sheet.

17. *Other liabilities.* State separately any significant amounts.

18. *Reserves, not shown elsewhere.* State separately the total of each major class and describe each such major class by using an appropriate caption or by a footnote referred to in the caption.

19. *Net assets applicable to outstanding capital shares.* (a) This caption may be used only by companies which reflect assets at value, showing cost parenthetically.

(b) *Companies having only one class of outstanding capital securities.* Such companies may conclude the statement with this caption and give the number of outstanding shares and the net asset value per share. In such case the statement shall be entitled "Statement of Assets and Liabilities" and the information required by captions 20 to 24 below shall be set forth in the form of a separate schedule immediately following this statement and referred to under this caption.

(c) *Companies having more than one class of outstanding capital securities.* (1) Such companies may conclude the statement at this point and in such case shall furnish in tabular form immediately following this caption the following information as to each class of capital securities: (i) title of issue; (ii) in the case of funded debt treated as a capital security the total face amount outstanding and the asset coverage per unit; (iii) in the case of preferred shares, the par or stated value, the number of shares outstanding, the total preference thereof in involuntary liquidation, and the asset coverage per share and (iv) in the case of common shares, the par or stated value, the number of shares outstanding and the net asset value per share and in the aggregate. In such case the statement shall be entitled "Statement of Assets, Liabilities and Capital Securities" and the information required by captions 20 to 24 below shall be set forth in the form of a separate schedule immediately following this statement and referred to under this caption.

(2) If funded debt is outstanding and is to be treated as a capital security, caption 16 (a) may be omitted if appropriate adjustment of related captions is made.

CAPITAL SHARES AND SURPLUS

20. *Capital shares.* State for each class of shares the title of issue, the number of shares authorized, the number of shares outstanding and the capital share liability thereof. See also § 210.6-09 (Rule 6-09).

21. *Surplus.* (a) Show the division of this item into (1) capital surplus; (2) balance of undistributed net income (excluding gain or less on investments); and (3) accumulated net realized gain or loss on investments. The information required by § 210.6-02-8 (Rule 6-02-8) shall be given in a footnote to this statement, or in a footnote to the statement permitted by § 210.6-08 (Rule 6-08).

(b) Except as permitted by § 210.6-08 (Rule 6-08), an analysis of each surplus account setting forth the information prescribed in § 210.6-07 (Rule 6-07) shall be given, for each period for which a statement of income and expense is filed, in the form of a separate statement of surplus, and shall be referred to under this caption.

22. *Total capital and surplus.* Companies which reflect assets at cost, showing value parenthetically, shall furnish the following information in a separate statement immediately following this statement and referred to herein:

(a) The amount of unrealized appreciation or depreciation of the assets, taken at value, as compared to the amount at which such assets are reflected in the balance sheet, together with the increase or decrease thereof during the period of report.

(b) An appropriate provision for taxes in respect of appreciation if required by § 210.6-02-9 (Rule 6-02-9).

(c) If total assets at value are less than cost, the adjustment that would have to be made to reflect such depreciation in the surplus accounts.

(d) The net asset coverage per unit of each class of bonds and per share of each class of preferred shares.

(e) The net asset value per share of the outstanding common shares, computed on the basis of assigning to prior securities their preference in involuntary liquidation.

23. *Unrealized appreciation or depreciation of assets.* Companies which reflect assets at value showing cost parenthetically shall include this item as an addition to or deduction from caption 22. See § 210.6-06 (Rule 6-06). Appropriate provisions shall be made for applicable income taxes if required by § 210.6-02-9 (Rule 6-02-9).

24. *Net assets applicable to outstanding capital shares.* The amount of this caption should agree with the amount shown under caption 19.

§ 210.6-04 *Statement of income and expense (including gain or loss on investments).* (a) Statements required by this section and by §§ 210.6-05 and 210.6-06 (Rules 6-05 and 6-06) shall be shown on the same or on consecutive pages. If not shown on the same page, however, the items required to be set forth by paragraph (e) of § 210.6-05 (Rule 6-05) and paragraph (b) of § 210.6-06 (Rule 6-06) shall be appended immediately following the information required by paragraph (b) (7) of this section.

(b) Statements filed under this section shall comply with the following provisions:

(1) *Income.* (i) State separately income from (*a*) cash dividends, (*b*) interest, and (*c*) other income. If income from investments in or indebtedness of affiliates is included hereunder, such income shall be segregated under an appropriate caption subdivided to show separately income from (*1*) controlled companies and (2) other affiliates.

(ii) Due consideration shall be given to the propriety of treating, as income, dividends on stock acquired or disposed of during the period of report.

(iii) Due consideration shall be given to the propriety of treating extraordinary dividends as income. For the purpose of this section the term "extraordinary dividends" shall mean (*a*) dividends which are known to have been declared out of sources other than current earnings or earned surplus and (*b*) dividends which are declared otherwise than out of earnings of the current or preceding year and are abnormal in size in relationship to the value of the securities upon which declared.

(iv) Dividends in arrears on preferred stock may not be treated as income in an amount which exceeds an amount arrived at by applying the stated dividend rate to the period during which the stock has been held, *Provided,* That, in computing the period held, periods of more than one-half of a quarter year may be treated as full quarter years, if periods of less than one-half of a quarter year are not counted. Any such dividends which are treated as income but which are applicable to periods prior to the current fiscal year shall be included under subdivision (i) (*c*) of this subparagraph.

(v) Dividends by controlled companies may be treated as income only to the extent that they are out of earning subsequent to (*a*) the date of acquisition or (*b*) the effective date of a reorganization or quasi-reorganization of the receiving company if such date is subsequent to the date of acquisition.

(vi) Due consideration shall be given to the propriety of treating, as income, interest received on bonds which were in default when acquired. Any such interest which may be treated as income shall not be treated as ordinary interest income in an amount in excess of the amount arrived at by applying the stated interest rate to the period of report, and any excess thereof shall be included under subdivision (i) (*c*) of this subparagraph. The policy followed in accounting for such interest shall be stated in a footnote.

(vii) Common stock received as a dividend on common stock of the same issuer shall not be treated as income, and no amount shall be debited to investments or credited to income or surplus at the time such dividend is received.

(viii) State as to any non-cash dividends, other than stock dividends referred to in subdivision (vii) of this subparagraph, and as to preferred stock received as a stock dividend, the basis on which taken up as income. If any such dividends received from controlled companies have been credited to income in an amount different from that charged to income or earned surplus by the disbursing company, state the amount of such different and explain.

(ix) State separately each category of other income representing more than five per cent of the total shown under this subparagraph.

(x) Proceeds from the sale of new capital shares which represent payment on account of accrued undivided income shall not be included in the statement of income and expense. See § 210.6–07–2 (Rule 6–07–2).

(xi) Dividends and interest applicable to an issuer's own securities held in its treasury or in sinking or other special funds shall not be treated as income.

(2) *Expenses.* State separately each category of expense representing more than five percent of the total expenses. There shall also be shown in an appropriate manner (i) the total of management and other service fees to unaffiliated person; (ii) the total of management and other service fees to affiliated persons, indicating in a note or otherwise (*a*) the name of each such person accounting for ten percent or more of the total under this subdivision, (*b*) the nature of the affiliation between the investment company and each such person, and (*c*) the amount applicable to each such person; and (iii) other expenses within the person's own organization in connection with research, selection and supervision of investments. The total of management and service fees shall be included herein regardless of the basis used for, or the method of, computation thereof. State in a note referred to under this item the basis and methods of computing management or service fees and if none was incurred for the period of report, the reason therefor. If any of the expenses were paid otherwise than in cash, state the details in a note referred to under this subparagraph.

(3) *Taxes, other than taxes on income.*

(4) *Interest and debt discount and expense.* State separately (i) interest on funded debt, (ii) amortization of debt discount and expense or premium, and (iii) other interest.

(5) *Balance before provision for taxes on income.*

(6) *Provision for taxes on income.* State separately (i) Federal taxes on income, and (ii) other taxes on income. If the amount to be shown under this subparagraph is less than 5% of subparagraph (7) of this paragraph, it may be combined with subparagraph (3) of this paragraph and in such case subparagraph (5) of this paragraph may be omitted. See § 210.6–02–9 (Rule 6–02–9).

(7) *Net income* (excluding gain or loss on investments). The amount included under this subparagraph shall be carried to the related subdivision of surplus or to the statement of changes in net assets, as appropriate. See §§ 210.6–07–2 and 210.6–08 (b) (2) (Rules 6–07–2 and 6–08 (b) (2).

§ 210.6–05 *Statement of realized gain or loss on investments.* Statements filed under this section shall comply with the following provisions:

(a) *Realized gain or loss on sales of investments.* (1) State separately the aggregate cost, the aggregate proceeds, and the net gain or loss from sales of each of the following classes of investments: (i) investments in securities of affiliates, (ii) investments in other securities, showing United States Government bonds and other direct obligations separately, and (iii) other investments.

(2) Transactions in shares of the person for which the statement is filed shall not be included here.

(3) State in a footnote the aggregate cost of securities acquired during the period, showing separately United States Government bonds and other direct obligations.

(4) State the basis followed in determining the cost of securities sold. If a basis other than average cost is used, state, if practicable, the gain or loss computed on the basis of average cost.

(b) *Realized gain or loss on other translation.* (1) Include under this paragraph exchanges of investments. Show the aggregate cost of the investments released and, as the proceeds of the exchanges, the aggregate amount at which the investments acquired were recorded in the accounts. See § 210.6–02–7 (Rule 6–02–7).

(2) Include also under this paragraph any write-downs required by § 210.6–02–6 (b) (Rule 6–02–6 (b)). Show the aggregate cost and the aggregate adjusted cost of the investments involved.

(c) *Realized gain or loss on investments, before provision for income taxes.*

(d) *Provision for income taxes.*

(e) *Net realized gain or loss on investments.* The amount included under this paragraph shall be carried to the related section of surplus or to the statement of changes in net assets, as appropriate. See §§ 210.6–07–3 and 210.6–08 (b) (3). (Rules 6–07–3 and 6–08 (b) (3).)

§ 210.6–06 *Statement of unrealized appreciation or depreciation of investments.* This statement may be omitted by companies reflecting assets at cost, showing value parenthetically, provided the information called for by the second sentence of § 210.6–04 (a) (Rule 6–04 (a)) is given. Statements filed under this section shall comply with the following provisions:

(a) *Unrealized appreciation or depreciation of investments.* State the amount of unrealized appreciation or depreciation of investments as shown in caption 23 of the balance sheet[1] (1) at the beginning of the period of report, and (2) at the end of the period of report.

[1] § 210.6–03.

(b) *Increase or decrease of unrealized appreciation or depreciation.*

§ 210.6–07 *Surplus statements.* Surplus statements filed under this section shall comply with the following provisions:

(a) *Capital surplus.* (1) The analysis of capital surplus shall show separately for each period (i) balance at beginning of period, (ii) additions during period due to (*a*) sale of capital shares, and (*b*) other additions, described in reasonable detail, (iii) deductions during period due to (*a*) repurchase of capital shares, (*b*) distributions to shareholders from capital surplus, and (*c*) other deductions, described in reasonable detail, and (iv) balance at end of period. State in a footnote the dates and amounts per share of dividends paid during the period.

(2) There shall be shown, parenthetically or otherwise, the total dividend distributions to shareholders made from capital surplus since the date of organization or the date of the most recent reorganization, whichever is later; *Provided,* That companies organized prior to January 1, 1925 need show only such dividends paid since that date if that fact is indicated.

(b) *Balance of undistributed net income (excluding gain or loss on investment).* The analysis of the balance of undistributed net income (excluding gain or loss on investments), shall show separately for each period of report (1) balance at beginning of period, (2) net income as shown under § 210.6–04–7 (Rule 6–04–7), (3) other additions described in reasonable detail, (4) distributions to shareholders, (5) other deductions described in reasonable detail, and (6) balance at end of period. State in a footnote the dates and amounts of dividends paid during the period.

Open-end companies which follow the policy of recording separately a part of the sale and repurchase price of capital shares as an adjustment on account of undivided income shall include, as a separate item hereunder, the difference between the amount received from the sale of new capital shares which represent payment on account of accrued undivided income and the amount paid on the repurchase of capital shares which represent payment on account of accrued undivided income.

(c) *Accumulated net realized gain or loss on investments.* The analysis of accumulated realized gain or loss on investments shall show separately for each period of report (1) gain or loss on investments prior to the period, (2) distributions to shareholders made therefrom prior to the period, (3) balance at the beginning of the period, (4) gain or loss on investments as shown under § 210.6–05–5 (Rule 6–05–5), (5) distributions to shareholders, and (6) balance at end of period. Subparagraphs (1) and (2) of this paragraph may be omitted by companies organized or most recently reorganized, prior to January 1, 1925 provided there is given in a footnote (i) total distributions made to shareholders out of realized gain on investments during the period from January 1, 1925 to the beginning of the period of report, and (ii) total realized gain or loss on invest-

ments for the same period. State in a footnote the dates and amounts per share of dividends paid during the period of report.

(d) *Opening balances.* Companies may accept balances of surplus accounts at January 1, 1925 as per the accounts.

(e) See also §§ 210.6-03-19 and 210.6-03-21 (Rules 6-03-19 and 6-03-21).

§ 210.6-08 *Statements of changes in net assets.* (a) Companies which in statements filed pursuant to § 210.6-03 (Rule 6-03) reflect assets at value, showing cost parenthetically, may file statements of changes in net assets in lieu of the surplus statements required by § 210.6-07 (Rule 6-07), provided, there is shown under caption 21 (a) of § 210.6-03 (Rule 6-03) the amount of dividends previously paid from (1) capital surplus, and (2) realized gain on investments. See §§ 210.6-07-1 (b) and 210.6-07-3 (Rules 6-07-1 (b) and 6-07-3).

(b) Statements of changes in net assets filed under this section shall comply with the following provisions:

(1) *Net assets at beginning of period.* The amount shown shall agree with caption 19 of the related statement filed pursuant to § 210.6-03 (Rule 6-03) as of the beginning of the period of report.

(2) *Income.* State separately (i) net income as shown by paragraph (b) (7) of § 210.6-04 (Rule 6-04); (ii) net accrued undivided earnings included in price of capital shares issued and repurchased; (iii) distributions paid; and (iv) balance of income undistributed, or decrease in prior balance of undistributed net income, as appropriate.

(3) *Realized gain or loss on investments.* State separately (i) net realized gain or loss on investments as shown by paragraph (e) of § 210.6-05 (Rule 6-05); (ii) distributions paid; and (iii) balance of realized gain on investments for the period, or decrease in prior accumulated realized gain on investments as appropriate.

(4) *Increase or decrease of unrealized appreciation or depreciation of assets.* The amount shown should agree with paragraph (b) of § 210.6-06 (Rule 6-06).

(5) *Securities issued and repurchased.* State separately for each issue (i) amount issued, and receipts therefrom on account of principal; (ii) amount repurchased, and payments therefor on account of principal; and (iii) net increase or decrease in amount outstanding and the difference between receipts and payments in respect thereof.

(6) *Distributions of capital.*

(7) *Other items.* If during the period there have been any charges or credits to surplus accounts not specifically provided for in subparagraphs (2) to (6) of this paragraph include such items under an appropriate caption and explain clearly their nature.

(8) *Net assets at close of period.* The amount shown shall agree with caption 19 of § 210.6-03 (Rule 6-03).

State in a footnote to subparagraphs (2), (3) and (6) of this paragraph the dates and amounts per share of dividends paid during the period.

§ 210.6-09 *Special statement—in lieu of statement of capital—shares and surplus.* Open-end companies having only one class of outstanding capital securities may combine captions 20 and 21 (a) (1) of § 210.6-03 (Rule 6-03), *Provided,* Information comparable to that prescribed by captions 20 to 24 of § 210.6-03 (Rule 6-03) is set forth in substantially the following form:

(1) *Excess of amounts received from sale of capital shares over amounts paid out in redeeming shares.* State here or in a footnote the number of authorized, the number of shares outstanding, and the capital share liability thereof. The information required by § 210.6-02-8 (Rule 6-02-8) shall be given in a footnote or by reference to the statement of changes in net assets.

(2) *Aggregate distributions from capital sources.* See also § 210.6-07-1 (b) (Rule 6-07-1 (b)).

(3) *Remainder.*

(4) *Accumulated net realized gain or loss on investments.*

(5) *Accumulated distributions of realized gain on investments.* See § 210.6-07-3 (Rule 6-07-3). The amount shown under this subparagraph shall be added to or deducted from subparagraph (4) of this paragraph as appropriate to give a single total which need not be separately designated.

(6) *Balance of undistributed net income (excluding gain or loss on investments).*

(7) *Total of subparagraphs (3) to (6), inclusive.*

(8) *Unrealized appreciation or depreciation of assets.* See § 210.6-02-9 (Rule 6-02-9).

(9) *Net assets applicable to outstanding shares.*

§ 210.6-10 *What schedules are to be filed.* (a) Except as otherwise expressly provided in the applicable form:

(1) The schedules specified below in this section as schedules VII, VIII and IX shall be filed as of the date of the most recent balance sheet filed for each person and for each group for which separate statements are filed. Such schedules shall be certified if the related balance sheet is certified.

(2) All other schedules specified below in this rule shall be filed for each period for which a statement of income and expense is filed. Such schedules shall be certified if the related statement of income and expense is certified.

(b) The information required in schedules for the registrant, for the consolidated subsidiaries and for the registrant and its subsidiaries consolidated may be presented in the form of a single schedule, *Provided,* That items pertaining to the registrant and to each consolidated subsidiary or group for which separate statements are required are separately shown and that such single schedule affords a properly summarized presentation of the facts.

(c) If the information required by any schedule (including the footnotes thereto) may be shown in the statements required by §§ 210.6-03 to 210.6-09 (Rules 6-03 to 6-09) without making such statements unclear or confusing, that procedure may be followed and the schedule omitted.

(d) Reference to the schedules shall be made against the appropriate captions of the balance sheet and the statement of income and expense.

A. INVESTMENT SCHEDULES

Schedule I—Investments in securities of unaffiliated issuers. The schedule prescribed by § 210.12-19 (Rule 12-19) shall be filed in support of caption 7 of each balance sheet (§ 210.06-3).

Schedule II—Investments—Other than securities. The schedule prescribed by § 210.12-21 (Rule 12-21) shall be filed in support of caption 8 of each balance sheet (§ 210.06-3). This schedule may be omitted if the investments, other than securities, at both the beginning and end of the period amount to less than 1% of total assets or $50,000 whichever is less.

Schedule III—Investments in affiliates. The schedule prescribed by § 210.12-22 (Rule 12-22) shall be filed in support of caption 9 of each balance sheet (§ 210.06-3).

B. MISCELLANEOUS SCHEDULES

Schedule IV—Amounts due from directors and officers. The schedule prescribed by § 210.12-03 (Rule 12-03) shall be filed with respect to each person among the directors and officers from whom any amount was owed at any time during the period for which related statements of income and expense are filed.

Schedule V—Indebtedness to affiliates. The schedule prescribed by § 210.12-11 (Rule 12-11) shall be filed in support of caption 16 (b). This schedule and schedule III may be combined if desired.

Schedule VI—Reserves. The schedule prescribed by § 210.12-13 (Rule 12-13) shall be filed in support of all reserves included in the balance sheet (§ 210.06-3).

C. CAPITAL SECURITIES

Schedule VII—Funded debt. The schedule prescribed by § 210.12-10 (Rule 12-10) shall be filed in support of caption 16 (a) of each balance sheet (§ 210.-06-3).

Schedule VIII—Capital shares. (a) Open-end companies, all of whose outstanding securities are redeemable at the option of the holder thereof, need not file this schedule.

(b) Closed-end companies shall file the schedule prescribed by § 210.12-14 (Rule 12-14) in support of caption 20 of each balance sheet (§ 210.06-3).

Schedule IX—Other securities. Schedules shall be filed in respect of any classes of securities issued by the person for whom the statement is filed, but not included in schedules VII and VIII. As to guarantees of securities of other issuers, furnish the information required by § 210.12-12 (Rule 12-12). As to warrants or rights granted by the person for whom the statement is filed, to subscribe for or purchase securities to be issued by such person, furnish the information called for by § 210.12-15 (Rule 12-15). As to any other securities, (furnish information comparable to that called for by §§ 210.12-10, 210.12-12, 210.12-14 or 210.12-15 (Rules 12-10, 12-12, 12-14 or 12-15) as appropriate. Information need not be set forth, however, as to notes, drafts, bills of exchange or bankers' acceptances having a maturity at the time of issuance of less than one year.

§ 210.12–19 *Investments in securities of unaffiliated issuers.*

FOR MANAGEMENT INVESTMENT COMPANIES ONLY

Column A	Column B	Column C	Column D[3]
Name of issuer and title of issue [1]	Balance held at close of period. Number of shares—principal amount of bonds and notes [2]	Cost of each item [3] [4]	Value of each item at close of period [3] [5]

[1] (a) The required information is to be given as to all securities held as of the close of the period of report. Each issue shall be listed separately: *Provided, however,* That an amount not exceeding five per cent of the total of column D may be listed in one amount as "Miscellaneous securities," provided the securities so listed have been held for not more than one year prior to the date of the related balance sheet, and have not previously been reported by name to the shareholders of the person for which the statement is filed or to any exchange, or set forth in any registration statement, application, or annual report or otherwise made available to the public.

(b) Indicate by an appropriate symbol those securities which are non-income-producing securities. Evidences of indebtedness and preferred shares may be deemed to be income-producing if, on the respective last interest pyament date or date for the declaration of dividends prior to the date of the related balance sheet, there was only a partial payment of interest or a declaration of only a partial amount of the dividends payable; in such case, however, each such issue shall be indicated by an appropriate symbol referring to a note to the effect that, on the last interest or dividend date, only partial interest was paid or partial dividends declared. If, on such respective last interest or dividend date, no interest was paid or no dividends declared, the issue shall not be deemed to be income-producing. Common shares shall not be deemed to be income-producing unless, during the last year preceding the date of the related balance sheet, there was at least one dividend paid upon such common shares. List separately (1) bonds; (2) preferred shares; (3) common shares. Within each of these subdivisions classify according to type of business, insofar as practicable; e.g., investment companies, railroads, utilities, banks, insurance companies, or industrials. Give totals for each group, subdivision, and class.

[2] Indicate any securities subject to option at the end of the most recent period and state in a note the amount subject to option, the option prices, and the dates within which such options may be exercised.

[3] Columns C and D shall be totaled. The totals of columns C and D should agree with the correlative amounts required to be shown by the related balance sheet captions. As to what is "cost" where there has been a reorganization or quasi-reorganization, see § 210.6–02–7(a) (Rule 6–02–7(a)). State in a footnote to column C the aggregate cost for Federal income tax purposes.

[4] *Closed-end companies reflecting investments at cost, showing value parenthetically.* If any investments have been written down or reserved against by such companies pursuant to §210.6–02–6 (b) (Rule 6–02–(b)), indicate each such item by means of an appropriate symbol and explain in a footnote.

[5] Where value is determined on any other basis than closing prices reported on any national securities exchange, explain such other bases in a footnote.

§ 210.12–21 *Investments—Other than securities.*

FOR MANAGEMENT INVESTMENT COMPANIES ONLY

Column A	Column B	Column C	Column D	Column E	Column F	Column G
Description [1]	Balance held at beginning of period—quantity [2]	Gross purchases and additions during period—quantity [3]	Gross sales and reductions during period—quantity [3]	Balance held at close of period—quantity [2] [3]	Cost of item included in column E [4] [5]	Value of each item at close of period [4] [6]

[1] The required information is to be given as to all investments which were held at any time within the period. List each major class of investments by descriptive title.

[2] If practicable, indicate the quantity or measure in appropriate units.

[3] Indicate any investments subject to option at the end of the most recent period and state in a note the amount subject to option, the option prices, and the dates within which such options may be exercised.

[4] Columns F and G shall be totaled and should agree with the amounts required to be shown by the related balance sheet caption. As to what is "cost" where there has been a reorganization or quasi-reorganization, see §210.6–02–7 (a) (Rule 6–02–7 (a)). State in a footnote the aggregate cost for Federal income tax purposes.

[5] *Closed-end companies reflecting investments at cost showing value parenthetically.* If any investments have been written down or reserved against by such companies pursuant to §210.6–02–6 (b) (Rule 6–02–6 (b)) indicate each such item by means of an appropriate symbol and explain in a footnote.

[6] State the basis of determining the amount shown in column G.

§ 210.12–22 *Investments in affiliates.*

FOR MANAGEMENT INVESTMENT COMPANIES ONLY

Column A	Column B	Column C	Column D	Column E		Column F
				Amount of dividends or interest [4] [6]		
Name of issuer and title of issue or amount of indebtedness [1]	Balance held at close of period. Number of shares—principal amount of bonds, notes and other indebtedness [2]	Cost of each item [3] [4]	Value of each item at close of period [4] [5]	(1) Credited to income	(2) Other	Amount of equity in net profit and loss for the period [7]

[1] (a) The required information is to be given as to all investments in affiliates as of the close of the period. List each issue and group separately (1) investments in majority-owned subsidiaries, segregating subsidiaries consolidated; (2) other controlled companies; and (3) other affiliates. Give totals for each group. If operations of any controlled companies are different in character from those of the registrant, group such affiliates within divisions (1) and (2) by type of activities.

(b) *Changes during the period.*—If during the period there has been any increase or decrease in the amount of investment in any affiliate, state in a footnote (or if there have been changes as to numerous affiliates, in a supplementary schedule) (1) name of each issuer and title of issue; (2) balance at beginning of period; (3) gross purchases and additions; (4) gross sales and reductions; (5) balance at close of period as shown in column B. Include in such footnote or schedule comparable information as to affiliates in which there was an investment at any time during the peroid even though there was no investment in such affiliate as of the close of such period.

[2] Indicate any securities subject to option at the end of the most recent period and state in a note the amount subject to option, the option prices, and the dates within which such options may be exercised.

[3] If the cost in column C represents other than cash expenditure, explain.

[4] (a) Columns C, D and E shall be totaled. The totals of columns C and D should agree with correlative amounts required to be shown by the related balance sheet captions. As to what is "cost" where there has been a quasi-reorganization, see § 210.6–02–7 (a) (Rule 6–02–7 (a)). State in a footnote the aggregate cost for Federal income tax purpose.

(b) *Closed-end companies reflecting investments at cost showing value parenthetically.*—If any investments have been written down or reserved against by such companies pursuant to § 210.6–02–6 (b) (Rule 6–02–6 (b)), indicate each such item by means of an appropriate symbol and explain in a footnote.

[5] State the basis of determining the amounts shown in column D.

[6] Show in column (E) (1) as to each issue held at close of period, the dividends or interest included in caption 1 of the statement of income and expense. In addition, show as the final item in column E (1) the aggregate dividends and interest included in the statement of income and expense in respect of investments in affiliates not held at the close of the period. The total of this column should agree with the amounts shown under such caption. Include in column E (2) all other dividends and interest. Explain briefly in an appropriate footnote the treatment accorded each item. Identify by an appropriate symbol all non-cash dividends and explain the circumstances in a footnote. See §§ 210.6–03–2 and 210.6–04–1 (Rules 6–03–2 and 6–04–1).

[7] The information required by column F need be furnished only as to controlled companies. The equity in the net profit and loss of each person required to be listed separately shall be computed on an individual basis. In addition, there may be submitted the information require as computed on the basis of the statements of each such person and its subsidiaries consolidated.

The foregoing action shall be effective on December 31, 1946: *Provided,* (a) That the financial statements included in any report required to be filed prior to March 15, 1947 need only comply with the provisions of Part 210 (Regulation S–X) as in effect immediately prior to the adoption of these rules and (b) That such of the revised rules as prescribe the accounting treatment to be followed with respect to particular transactions or adjustments of the accounts, or otherwise, shall be applicable only as to transactions or adjustments of fiscal years beginning on or after December 31, 1946.

(Secs. 7 and 19 (a), 48 Stat. 78, 85, secs. 12, 13, 48 Stat. 892, 894, sec. 15 (d) 49 Stat. 1379, sec. 23 (a), 48 Stat. 901, secs. 8, 30, 31 (c), 38 (a), 54 Stat. 803, 836, 838, 841; 15 U. S. C. 77 g, 77 s, 78 l, 78 m, 78 o, 78 w, 80 a–8, 80 a–29, 80 a–30, 80 a–37)

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

NOVEMBER 25, 1946.

[F. R. Doc. 46–20992; Filed, Nov. 29, 1946; 8:46 a. m.]

PART 211—INTERPRETATIVE RELEASES RELATING TO ACCOUNTING MATTERS (ACCOUNTING SERIES RELEASES) [1]

ALLOCATION OF PAST DIVIDENDS BY MANAGEMENT INVESTMENT COMPANIES

§ 211.56 *Outline of certain procedures which may be followed by management investment companies in allocating past dividends.* Outline of certain procedures which may be followed by management investment companies in allocating past dividends so as to arrive at (1) the balance of undistributed net income (excluding gain or loss on investments); and (2) accumulated net realized gain or loss on investments, in compliance with requirements of §§ 210.06–1 to 210.06–9 of this chapter (article 6 of regulation S–X) as amended.

The Securities and Exchange Commission today announced the issuance of a release in its Accounting Series discussing a problem that may face management investment companies in complying with the requirements of the recently revised §§ 210.06–1 to 210.06–9, inclusive, of this chapter (Article 6 Regulation S–X) which governs the form and content of financial statements filed with the Commission by management investment companies. The release outlines certain procedures which may be followed in allocating past dividends so as to arrive at (1) the balance of undistributed net income (excluding gain or loss on investments); and (2) accumulated net realized gain or loss on investments. The release, prepared by William W. Werntz, Chief Accountant, follows:

Inquiry has been made as to the procedure to be followed where a management investment company has not heretofore shown separately in its accounts (1) the balance of undistributed net income (excluding gain or loss on investments); and (2) accumulated

[1] 11 F. R. 10912.

net realized gain or loss on investments. Subdivision into these two categories is required of management investment companies by § 210.6-03-21 (a) (2) and (3) (Rule 6-03-21 (a) (2) and (3)) of the recently revised Article 6 of Part 210 (Regulations S-X), governing the form and content of financial statement filed by such companies. A principal problem in such segregation relates to dividens heretofore paid without any designation as between these two sources of income.

Section 19 of the Investment Company Act of 1940, 54 Stat. 821, 15 U. S. C. 1130, requires such segregation to be made in connection with dividends declared after the effective date of that Act. In connection with the promulgation on February 21, 1941 of § 210.-n-19-1 (Rule N-19-1) which implements sec. 19, there was simultaneously published an interpretative letter [1] dealing with the treatment of past dividends.

In my opinion, it would be appropriate to employ the methods and principles set forth in that letter in arriving at the segregated balances required by the new § 210.6-03-21 (a) (2) and (3) (Rule 6-03-21 (a) (2) and (3)) of Part 210 (Regulation S-X). The pertinent portion of the letter reads as follows:

"In connection with section 19 of the Investment Company Act and the recent § 210.n-19-1 (Rule N-19-1) adopted pursuant to it, you have raised some questions of interpretation.

"Section 19 provides in effect that dividend payments made by a registered investment company must be accompanied by written statement adequately disclosing the source of the dividend if the dividend is paid wholly or partly from any source other than:

"(1) Such company's accumulated undistributed net income, determined in accordance with good accounting practice and not including profits or losses realized upon the sale of securities or other properties; or

"(2) Such company's net income so determined for the current or proceeding fiscal year.

"Section 210.n-19-1 (Rule N-19-1), among other things, provides in effect for the segregation of certain designated sources of dividend payments for the purpose of disclosure.

"Your first inquiry, as I understand it, relates to the problem of ascertaining the presently available balances of the sources designated in section 19 and § 210.n-19-1 (Rule N-19-1). You point out that, prior to the time the Investment Company Act went into effect, an investment company may not have segregated its income and surplus in a way contemplated by that section and the recently adopted rules; therefore, dividend payments in the past may not have been allocated according to the sources designated therein. You are concerned as to the method companies in this situation may use in determining *now* the sources against which past dividends are to be charged in order to determine the balances of 'accumulated undistributed net income' and other sources available for the purposes of section 19.

"Where, prior to November 1, 1940 (the effective date of the Investment Company Act) any legal allocation of dividend payments has been made on the books or by resolution of the board of directors, or in some other appropriate manner, to one of the sources set out in § 210.n-19-1 (Rule N-19-1), in my opinion, such allocation need not be changed. As to past dividends not so allocated, it is my opinion that the following allocation should normally be followed: The total amount of such dividends accrued and declared in any fiscal year should be charged first to the accumulated undistributed net income, if any, at the close of such year, and any excess should be charged to the accumulated net profits from the sale of securities or other properties, if any, at the close of such year, and any excess thereafter should be charged to paid-in surplus or other capital source. The determination of accumulated net profits from the sale of securities or other properties should be made in accordance with the company's financial accounts rather than its tax accounts.

"Your second inquiry bears on the same problem. In examining the past to make the necessary determination of available balances now, transactions must be reviewed in the light of "good accounting practice," the standard set up in section 19. Your problem is whether that standard is the good accounting practice of the present day or that of the date of any particular transaction. In my opinion, it is the latter."

[Accounting Series Release No. 56]

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

NOVEMBER 25, 1946.

[F. R. Doc. 46-20991; Filed, Nov. 29, 1946; 8:51 a. m.]

[1] The letter dated February 21, 1941, signed by David Schenker, then Director, addressed to Paul Bartholet, then Executive Director, National Committee of Investment Companies.

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

PART 6—AIR COMMERCE REGULATIONS

AIRPORTS OF ENTRY

CROSS-REFERENCE: For notice of a proposed amendment of the tabulation contained in § 6.13 to designate the Baudette Municipal Airport, Baudette, Minnesota, as a temporary airport of entry for one year, see F. R. Doc. 21008, Treasury Department, Bureau of Customs, in the Notices section, *infra*.

[T. D. 51575]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

CUTTER PASSES

Section 4.1 (e) of the Customs Regulations of 1943 (19 CFR, Cum. Supp., 4.1 (e)) is deleted and § 4.1 (d) is amended to read as follows:

§ 4.1 *Boarding of vessels; cutter and dock passes.* * * *

(d) A collector of customs, in his discretion, may issue a cutter pass on customs Form 3093 to permit the holder to board an incoming vessel after it has been inspected by the quarantine authorities and taken in charge by an officer of the customs, as follows: (1) to persons on official business; (2) to news reporters, newspaper photographers, photographers of established motion-picture companies, and broadcasters of established radio-broadcasting companies; and (3) in cases of special exigency in which the collector is satisfied as to the urgent need for the boarding and that its allowance will not result in undue interference with the performance of official business. Term passes, for a period not to exceed six months, may be issued in the discretion of the collector, to persons on official business and to duly accredited news reporters and newspaper photographers. Passes are not transferable and shall be forfeited upon presentation by others than those to whom issued.

(R. S. 161, 251, sec. 624, 46 Stat. 759; U. S. C. 22, 19 U. S. C., Sup. V, 66, 19 U. S. C. 1624)

[SEAL] FRANK DOW,
Acting Commissioner of Customs.

Approved: November 26, 1946.

JOHN W. SNYDER,
Secretary of the Treasury.

[F. R. Doc. 46-21048; Filed, Nov. 29, 1946; 8:45 a. m.]

TITLE 24—HOUSING CREDIT

Chapter VI—Federal Public Housing Authority

PART 603—FINAL DELEGATIONS OF AUTHORITY

REGIONAL OFFICE OFFICIALS

1. Paragraph (g) (1) (iv) of § 603.2 (11 F. R. 177A-906) is amended to read as follows:

§ 603.2 *Delegations to Regional Office Officials.* * * *

(g) *Delegations of authority to Regional Comptrollers.* * * *

(1) * * *

(iv) Pursuant and subject to the provisions of the First War Powers Act, Executive Orders 9001, 9116, and 9686 and the National Housing Administrator's General Order FPHA-7, to make advance payments to contractors (other than CPFF contractors) for the provision of housing for the Veterans' Re-use Housing Program.

2. Section 603.2 is amended by deleting paragraph (h) (1) (iv) (11 F. R. 177A-906) and paragraph (h) (1) (v) is redesignated paragraph (h) (1) (iv).

(55 Stat. 838; 50 U. S. C. 601, E. O. 9001, Dec. 27, 1941, E. O. 9116, Mar. 30, 1942, E. O. 9686, Jan. 26, 1946, 6 F. R. 6787, 7 F. R. 2527, 11 F. R. 1033)

Approved: November 22, 1946.

PHILIP M. GLICK,
Acting Commissioner.

[F. R. Doc. 46-20985; Filed, Nov. 29, 1946; 8:56 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices, Department of the Treasury

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

CERTAIN COUNTRIES GENERALLY LICENSED

NOVEMBER 1, 1946.

Amendment to General License No. 94 under Executive Order No. 8389, as

amended, Executive Order No. 9193, as amended, section 5 (b) of the Trading with the Enemy Act, as amended by the First War Powers Act, 1941, relating to Foreign Funds Control.

Section 131.94 (General License No. 94) is hereby amended to read as follows:

§ 131.94 *General License No. 94; certain countries generally licensed*—(a) *Blocked countries generally licensed subject to certain conditions.* A general license is hereby granted licensing all blocked countries and nationals thereof (excepting the following countries and nationals thereof: (i) Germany and Japan, (ii) Portugal, Spain, Sweden and Tangier) to be regarded as if such countries were not foreign countries designated in the order, *Provided,* That

(1) Any property in which on the effective date hereof any of the following had an interest: (i) Any blocked country (including countries licensed hereby) or person therein; or (ii) any other partnership, association, corporation, or other organization, which was a national of a blocked country (including countries licensed hereby) by reason of the interest of any such country or person therein; or

(2) Any income from such property accruing on or after the effective date hereof

shall continue to be regarded as property in which a blocked country or national thereof has an interest and no payment, transfer, or withdrawal or other dealing with respect to such property shall be effected under, or be deemed to be authorized by, this paragraph.

(b) *Transactions under other licenses authorized without regard to certain restrictions.* With respect to property subject to the proviso of paragraph (a) of this section, any transaction not involving any excepted country or national thereof which is authorized under any license (other than General Licenses Nos. 1, 1A, 4, 27, 30A, 58 and 75 (§§ 131.1, 131.1a, 131.4, 131.27, 131,30a, 131.58, and 131.75) or any other license to the extent that it merely authorizes transfers between blocked accounts of the same person or changes in the form of property held in a blocked account) may be effected without regard to any terms of such license relating to the method of effecting such transaction.

(c) *Certain other transactions authorized.* This section also authorizes any transaction which could be effected under General License No. 53 (§131.53) if the countries licensed hereby were members of the generally licensed trade area: *Provided,* That this paragraph shall not be deemed to authorize any payment, transfer, or withdrawal, or other dealing, with respect to any property which is subject to the proviso of paragraph (a) of this section.

(d) *General Ruling No. 17*[1] *not waived with regard to certain countries.* This section shall not be deemed to waive the requirements of General Ruling No. 17 with respect to blocked property held in any account maintained in the name of any bank or other financial institution located in Switzerland or Liechtenstein, unless such property has been certified under paragraph (a) of General License No. 95 (§131.95).

(e) *Application of license to nationals of countries licensed hereby who are also nationals of excepted countries.* Paragraphs (a) and (b) of this section shall not apply with respect to any national of a country licensed hereby who is also a national of any excepted country, *Provided, however,* That for the purpose only of this section the following shall be deemed not to be nationals of an excepted country:

(1) Any individual residing in a country licensed hereby, except any citizen or subject of Germany or Japan who at any time on or since December 7, 1941 has been within the territory of either such country or within any other territory while it was designated as "enemy territory" under General Ruling No. 11;

(2) Any partnership, association, corporation, or other organization, organized under the laws of a country licensed hereby, unless it is a national of Germany or Japan.

(f) *Definition.* As used in this section, the term "excepted country" shall mean any country excepted in paragraph (a).

(g) *Effective date.* The effective date of this section shall be December 7, 1945, except that it shall be October 5, 1945 as to France, November 20, 1945 as to Belgium, and November 30, 1946 as to Switzerland and Liechtenstein.

(Sec. 5 (b), 40 Stat. 415, 966; sec. 2, 48 Stat. 1, 54 Stat. 179, 55 Stat. 838; 12 U. S. C. 95 note, 95a, 50 U. S. C. App. Sup., 616; E. O. 8389, Apr. 10, 1940, E. O. 8785, June 14, 1941, E. O. 8832, July 26, 1941, E. O. 8963, Dec. 9, 1941; E. O. 8998, Dec. 26, 1941, E. O. 9193, July 6, 1942, E. O. 9567, June 8, 1945; 5 F.R. 1400, 6 F.R. 2897, 3715, 6348, 6785, 7 F.R. 5205, 10 F.R. 6917)

[SEAL] JOHN W. SNYDER,
Secretary.

[F. R. Doc. 46-21046; Filed, Nov. 29, 1946; 8:47 a. m.]

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO.

PROPERTY CERTIFIED BY GOVERNMENTS OF SPECIFIED COUNTRIES

NOVEMBER 30, 1946.

Amendment to General License No. 95 (11 F. R. 11987) under Executive Order No. 8389, as amended, Executive Order No. 9193, as amended, section 5 (b) of the Trading with the Enemy Act, as amended by the First War Powers Act, 1941, relating to Foreign Funds Control.

Paragraph (d) (1) of §131.95 (Paragraph (4) (a) of General License No. 95) is hereby amended to read as follows:

§ 131.95 *Property certified by governments of specified countries.* * * *

(d) *Definitions.* * * *

(1) The term "country specified herein" means the following:

(i) France, effective October 5, 1945;

(ii) Belgium, effective November 20, 1945;

(iii) Norway, effective December 29, 1945;

(iv) Finland, effective December 29, 1945;

(v) The Netherlands, effective February 13, 1946;

(vi) Czechoslovakia, effective April 26, 1946;

(vii) Luxembourg, effective April 26, 1946;

(viii) Denmark, effective June 14, 1946;

(ix) Greece, effective October 15, 1946;

(x) Switzerland, effective November 30, 1946;

(xi) Liechtenstein, effective November 30, 1946; and each country specified herein shall be deemed to include any colony or other territory subject to its jurisdiction.

(Sec. 5 (b), 40 Stat. 415, 966, sec. 2, 48 Stat. 1, 54 Stat. 179, 55 Stat. 838; 12 U. S. C. 95 note, 95a, 50 U. S. C. App. Sup., 616; E. O. 8389, April 10, 1940, E. O. 8785, June 14, 1941, E. O. 8832, July 26, 1941, E. O. 8963, Dec. 9, 1941, and E. O. 8998, Dec. 26, 1941, E. O. 9193, July 6, 1942, E. O. 9567, June 8, 1945; 5 F. R. 1400, 6 F. R. 2897, 3715, 6348, 6785, 7 F. R. 5205, 10 F. R. 6917)

JOHN W. SNYDER,
Secretary of the Treasury.

[F. R. Doc. 46-21047; Filed, Nov. 29, 1946; 8:47 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—Civilian Production Administration

AUTHORITY: Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, and Public Laws 270 and 475, 79th Congress; Public Law 388, 79th Congress; E. O. 9024, 7 F. R. 329; E. O. 9040, 7 F. R. 527; E. O. 9125, 7 F. R. 2719; E. O. 9599, 10 F. R. 10155; E. O. 9638, 10 F. R. 12591; C. P. A. Reg. 1, Nov. 5, 1945, 10 F. R. 13714; Housing Expediter's Priorities Order 1, Aug. 27, 1946, 11 F. R. 9507.

PART 1010—SUSPENSION ORDERS

[Suspension Order S-1002]

GALLANT LUMBER AND COAL CO.

The Gallant Lumber & Coal Company is a corporation with its principal place of business at Jackman Road and Terminal Railway, Toledo, Ohio. During the month of February, 1946, the company placed orders for housing construction lumber for 44,000 board feet in excess of its quota, in violation of Direction 1 to Priorities Regulation No. 33. This violation has diverted critical materials to uses not authorized by the Civilian Production Administration. In view of the foregoing, it is hereby ordered, that:

§ 1010.1002 *Suspension Order No. S-1002.* (a) The Gallant Lumber & Coal Company shall not, for a period of three months from the effective date of this order, sell or deliver any housing construction lumber except on properly rated

[1] 8 F. R. 14341.

HH orders, and during said period shall place certified orders for and receive at least 44,000 board feet less than it would otherwise be entitled to do under Direction 1 to Priorities Regulation 33 or Limitation Order L–359.

(b) The Gallant Lumber & Coal Company shall refer to this order in any application or appeal which it may file with the Civilian Production Administration or the Federal Housing Administration for priorities assistance.

(c) Nothing contained in this order shall be deemed to relieve The Gallant Lumber & Coal Company, its successors and assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Civilian Production Administration except insofar as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect on the 4th day of December 1946.

Issued this 27th day of November 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 46–21079; Filed, Nov. 27, 1946; 4:22 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S–1024]

KING STARR REALTY CO.

King Starr Realty Company, 74 East Gay Street, Columbus, Ohio, on or about August 21, 1946, began and thereafter carried on the construction of a one-story building to be used for commercial purposes, located at 239–241 North Front Street, Columbus, Ohio, which included all the construction on the northerly half of Inlot No. 149, known as 239–241 North Front Street, and a construction 31½ feet wide and approximately 77½ feet deep in the rear portion of the southerly half of Inlot No. 149 and lying westerly of a line drawn parallel to the west line of North Front Street at a distance of 90 feet westerly from said westerly line of Front Street behind existing building and addition to same known as 235–237 North Front Street, Columbus, Ohio, at an estimated and probable cost of $12,104.95, without authorization of the Civilian Production Administration. The beginning and carrying on of this construction without authorization constituted a wilful violation of Veterans' Housing Program Order No. 1. This violation has diverted critical materials to uses not authorized by the Civilian Production Administration. In view of the foregoing, it is hereby ordered that:

§ 1010.1024 *Suspension Order No. S–1024.* (a) Neither King Starr Realty Company, its successors or assigns, nor any other person shall do any construction on the premises located at 239–241 North Front Street, Columbus, Ohio, and including all the construction on the northerly half of Inlot No. 149 known as 239–241 North Front Street, and a construction 31½ feet wide and approximately 77½ feet deep in the rear portion of the southerly half of Inlot No. 149 and lying westerly of a line drawn parallel to the west line of North Front Street behind existing building and addition to same known as 235–237 North Front Street, Columbus, Ohio, at a distance of 90 feet westerly from said westerly line of North Front Street, including completing, putting up or the altering of any structure located thereon, unless hereafter specifically authorized in writing by the Civilian Production Administration.

(b) The King Starr Realty Company shall refer to this order in any application or appeal which they may file with the Civilian Production Administration for priorities assistance or for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve the King Starr Realty Company, their successors and assigns, from any restrictions, prohibitions or provisions contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 29th day of November 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 46–21080; Filed, Nov. 27, 1946; 4:22 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S–1031]

THOMAS NALEPA

Thomas Nalepa resides at 4143 L. Street, Omaha, Nebraska. On April 1, 1946, he was authorized by Federal Housing Administration on Form CPA–4386, Project Serial No. 6–103–1250, to build living quarters to be attached to the rear of a grocery store on Lot 5, Block 1, Kent's Addition to South Omaha at 4174 L Street, Omaha, Nebraska. On or about June 24, 1946, he began construction of a wholly new building, size 34 x 34, at a cost of $5,000 at 4174 L Street, Omaha, Nebraska, more than half of which was to be used for a grocery store. Mr. Nalepa had no authorization from Civilian Production Administration for the construction of a commercial building and the construction begun and carried on by him was not in accordance with the authorization issued by Federal Housing Administration and was in wilful violation of Veterans' Housing Program Order No. 1. This violation has diverted scarce materials to uses not authorized by the Civilian Production Administration. In view of the foregoing, it is hereby ordered, that:

§ 1010.1031 *Suspension Order No. S–1031.* (a) The temporary suspension order issued by telegram dated September 17, 1946, against Thomas Nalepa is hereby revoked.

(b) Neither Thomas Nalepa, his successors or assigns, nor any other person, shall do any construction on the premises located at 4174 L Street, Omaha, Nebraska, including putting up, completing, or altering of any structure located thereon, unless hereafter specifically authorized in writing by the Civilian Production Administration.

(c) Thomas Nalepa shall refer to this order in any application or appeal which he may file with the Civilian Production Administration for authorization to carry on construction.

(d) Nothing contained in this order shall be deemed to relieve Thomas Nalepa, his successors or assigns, from any restriction, prohibition, or provision contained in any other order or regulation of the Civilian Production Administraton except insofar as the same may be inconsistent with the provisions hereof.

Issued this 27th day of November 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 46–21077; Filed, Nov. 27, 1946; 4:22 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S–1035]

LOUIS FOSS AND B. H. TRONNEM

Louis Foss resides at 319 Drake Street, Vineland, New Jersey, and is the owner of the property at 515 Landis Avenue, Vineland, New Jersey. B. H. Tronnem is a contractor and builder residing on South Brewster Road, Vineland, New Jersey. Subsequent to March 26, 1946, they began the construction of an addition to a store at 515 Landis Avenue, Vineland, New Jersey, at an estimated cost of $7,000, without authorization from the Civilian Production Administration. Louis Foss and B. H. Tronnem contend that the construction was for a factory and not a commercial building, and, therefore, bore an exemption of $15,000 under Order VHP–1, but were unable to offer evidence that the building had been certified by the Department of Labor for the State of New Jersey to be used as a factory, which certification is required under the laws of the State of New Jersey. The beginning and carrying on, subsequent to March 26, 1946, of the construction of a commercial building, at a cost in excess of $1,000, without authorization of the Civilian Production Administration constituted a violation of Veterans' Housing Program Order No. 1. This violation has diverted critical materials to uses not authorized by the Civilian Production Administration. In view of the foregoing, it is hereby ordered that:

§ 1010.1035 *Suspension Order No. S–1035.* (a) The temporary suspension orders issued by telegrams dated October 8, 1946, against Louis Foss and B. H. Tronnem are hereby revoked.

(b) Neither Louis Foss or B. H. Tronnem, their successors or assigns, nor any other person shall do any further construction on the premises located at 515 Landis Avenue, Vineland, New Jersey, until or unless they submit proof to the Civilian Production Administration that the building has been certified by the Department of Labor of the State of New Jersey for use as a paint factory, or

unless the construction is specifically authorized in writing by the Civilian Production Administration.

(c) Louis Foss and B. H. Tronnem shall refer to this order in any application or appeal which they may file with the Civilian Production Administration for authorization to carry on the construction.

(d) Nothing contained in this order shall be deemed to relieve Louis Foss and B. H. Tronnem, their successors or assigns, from any restriction, prohibition, or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as same may be inconsistent with the provisions hereof.

Issued this 27th day of November 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 46-21078; Filed, Nov. 27, 1946; 4:22 p. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATIONS OF THE PRIORITIES SYSTEM

[Priorities Reg. 33, Amdt. 2 to Schedule A, as Amended Oct. 7, 1946]

Section 944.54a *Priorities Regulation 33, Schedule A,* is amended by the following changes in the paragraph (b) list of short materials:

1. Changing the "Nails" item (*"Hardware Materials"* group) to read as follows:

2. *Nails (ferrous, of the following kinds only: Wire and cut nails 2d to 20d, inclusive; nails and brads smaller than 2d but suitable for roofing, siding, lath, or millwork). This does not include 2d to 10d cement and bright box nails.

2. Changing the "Sheet steel" item (*"Wall and Roof Materials"* group) to read as follows:

9. *Sheet, flat galvanized steel, 23 gauge or lighter. (A person authorized to use an HH rating may use it for this material only if (1) he is going to use it in making any of the following items for the authorized job or units and (2) he has not received other priorities assistance for this purpose from the CPA (under Priorities Regulation 28 or Order M-21): flashings; furnace, pipes, fittings, and duct work; gutters and downspouts; termite shields.)

Issued this 29th day of November 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 46-21124; Filed, Nov. 29, 1946; 11:24 a. m.]

PART 1042—IMPORTS OF STRATEGIC MATERIALS [1]

[General Imports Order M-63, as Amended Nov. 29, 1946]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of certain imported materials for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1042.1 *General Imports Order M-63*—(a) *Definitions.* For the purposes of this order:

(1) "Person" means any individual, partnership association, business trust, corporation, or any organized group of persons, whether or not incorporated.

(2) "Owner" of any material means any person who has any property interest in such material except a person whose interest is held solely as security for the payment of money.

(3) "Consignee" means the person to whom a material is consigned at the time of importation.

(4) "Import" means to transport in any manner into the continental United States from any foreign country or from any territory or possession of the United States. It includes shipments into a free port, free zone, or bonded custody of the United States Bureau of Customs (bonded warehouse) in the continental United States and shipments into the continental United States for processing or manufacture in bond for exportation. It does not include shipments in transit in bond through the continental United States without processing or manufacture, to Canada, Mexico or any other foreign country, or shipments through a free port or free zone to a foreign country without processing or manufacture.

(5) [Deleted Mar. 1, 1946.]

(6) Material shall be deemed "in transit" if it is afloat, if an on board ocean bill of lading has actually been issued with respect to it, or if it has actually been delivered to and accepted by a rail, truck, or air carrier, for transportation to a point within the continental United States.

(7) "Governing date" with respect to any material means the date when such material first became subject to General Imports Order M-63.

(b) *Restrictions on imports of materials*—(1) *General restriction.* No person, except as authorized in writing by the Civilian Production Administration shall purchase for import, import, offer to purchase for import, receive, or offer to receive on consignment for import, or make any contract or other arrangement for the importing of, any material subject to this order after the governing date. The foregoing restrictions shall apply to the importation of any material subject to the order regardless of the existence on the governing date or thereafter of any contract or other arrangement for the importation of such material. The materials subject to this order are those listed from time to time upon Lists A attached hereto.

(2) *Authorization by Civilian Production Administration.* Any person desiring such authorization, whether owner, purchaser, seller, or consignee of the material to be imported, or agent of any of them, shall make application therefor in duplicate on Form CPA-1041 addressed to the Civilian Production Administration Ref: M-63, Washington 25, D. C. Unless otherwise expressly permitted, such authorization shall apply only to the particular material and shipment mentioned therein and to the persons and their agents concerned with such shipment; it shall not be assignable or transferable either in whole or in part.

(3) *Restrictions on financing of imports.* No bank or other person shall participate, by financing or otherwise, in any arrangement which such bank or person knows or has reason to know involves the importation after the governing date of any material subject to this order, unless such bank or person either has received a copy of the authorization issued by the Civilian Production Administration under the provisions of paragraph (b) (2) or is satisfied from known facts that the proposed transaction comes within the exceptions set forth in paragraph (b) (4).

(4) *Exceptions.* Unless otherwise directed by the Civilian Production Administration, the restrictions set forth in this paragraph (b) shall not apply:

(i) To the Reconstruction Finance Corporation, U. S. Commercial Company, Commodity Credit Corporation, or any other United States governmental department, agency, or corporation, or any agent acting for any such department, agency or corporation; or

(ii) To any material of which any United States governmental department, agency, or corporation is the owner at the time of importation, or to any material which the owner at the time of importation had purchased or otherwise acquired from any United States governmental department, agency, or corporation; or

(iii) To any material which on the governing date was in transit to a point within the continental United States.

(iv) [Deleted Mar. 30, 1944]

(v) To any material consigned as a gift or imported for personal use where the value of each consignment or shipment is less than $100.00; or to any material consigned or imported as a sample where the value of each consignment or shipment is less than $25.00; or to any used material in the category of household goods imported by the owner for his own personal use; or

(vi) To materials consigned as gifts for personal use by or to members of the Armed Services of the United States; or

(vii) [Deleted Nov. 13, 1944.]

(viii) To manufactured materials which are imported in bond solely for the purpose of having them repaired and then returned to the owner outside the continental United States; or

(ix) To materials which were grown, produced, or manufactured in the continental United States, and which were shipped outside the continental United States on consignment or pursuant to a contract of purchase, and which are now returned as rejected by the prospective purchaser; or

(x) [Deleted July 16, 1946.]

(xi) [Deleted July 1, 1946.]

(c) *Criteria for adding materials to List A.* Materials are put on List A and made subject to the restrictions of General Imports Order M-63 only if they

[1] Certain food items' formerly on Lists I, II, and III are now subject to import control in accordance with War Food Administration Order 63.

qualify under one of the following criteria:

(1) Control of the import of the material is necessary to implement an international allocation to which the United States is a party; or

(2) Control of the import of the material is necessary to implement a government purchase program.

(d) [Deleted June 4, 1945.]

(e) *Restrictions on distribution of List A materials.* Unless otherwise provided by the terms of the authorization issued pursuant to paragraph (b) (2), any material on List A which is imported in accordance with the provisions of this order after the governing date, may be sold, delivered, processed, consumed, purchased, or received without restriction under this order, but all such transactions shall be subject to all applicable provisions of the regulations of the Civilian Production Administration and to all orders and directions of the Civilian Production Administration which now or hereafter may be in effect with respect to such material.

(f) *Reports*—(1) *Reports on customs entry.* No material which is imported [as defined in paragraph (a) (4)] after the governing date, including materials imported by or for the account of the Reconstruction Finance Corporation, U. S. Commercial Company, Commodity Credit Corporation or any other United States governmental department, agency or corporation, shall be entered through the United States Bureau of Customs for any purpose, unless the person making the entry shall file with the entry Form CPA–1040 in duplicate. The filing of such form a second time shall not be required upon any subsequent entry of such material through the United States Bureau of Customs for any purpose; nor shall the filing of such form be required upon the withdrawal of any material from bonded custody of the United States Bureau of Customs, regardless of the date when such material was first transported into the continental United States. Both copies of such form shall be transmitted by the Collector of Customs to the Civilian Production Administration, Imports Division, Ref.: M–63, Washington 25, D. C.

(2) *Other reports.* All persons having any interest in, or taking any action with respect to, any material imported after the governing date, whether as owner, agent, consignee, or otherwise, shall file such other reports as may be required from time to time by the Civilian Production Administration.

(3) *Exceptions.* The provisions of this paragraph (f) shall not apply to materials imported and consigned as gifts for personal use by or to members of the Armed Services of the United States.

(g) *Routing of communications.* All communications concerning this order shall, unless otherwise herein directed be addressed to: Civilian Production Administration, Washington 25, D. C. Ref.: M–63.

(h) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or who furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority assistance. In addition, the Civilian Production Administration may direct the disposition and use of any material which is imported without authorization as required by paragraph (b).

(i) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the Civilian Production Administration as amended from time to time.

(j) *Effect on liability of removal of material from order.* The removal of any material from the order shall not be construed to affect in any way any liability for violation of the order which accrued or was incurred prior to the date of removal.

Issued this 29th day of November 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

LIST A

The numbers listed after the following materials are commodity numbers taken from Schedule A, Statistical Classification of Imports of the Department of Commerce (issue of January 1, 1943). Materials are included in the list to the extent that they are covered by the commodity numbers listed below. If no commodity number is listed the description given shall control.

NOTE: Table amended Nov. 29, 1946.

Material	Commerce Import Class No.	Governing date
Agave fibers, unmanufactured, not elsewhere specified on this order (except flume tow and bagasse waste)	N. S. C.	8/5/43
Maguey or cantala, unmanufactured	3409.200	1/18/43
Molasses and sugar sirup	1640.000	7/2/42
Sisal and henequen, unmanufactured (except flume tow and bagasse waste)	N. S. C.	1/18/43
Tin:		
Alloys, chief value tin, n. s. p. f. (including alloy scrap)	6551.900	11/30/45
Bars, blocks, pigs, grain or granulated	6551.300	11/30/45

N. S. C.—No separate class or commodity number has been assigned for the material as described by the Department of Commerce, Statistical Classification of Imports.

INTERPRETATION 1: Revoked June 4, 1945.

INTERPRETATION 2

The following official interpretation is hereby issued by the Civilian Production Administration with respect to the meaning of the term "in transit" as defined in paragraph (a) (6) of General Imports Order M–63 (§ 1042.1) as amended.

By amendment dated December 17, 1942, the definition of material "in transit" was changed by adding the following clause, "or if it has actually been delivered to and accepted by a rail, truck, or air carrier for transportation to a point within the continental United States." The question has been raised as to the meaning of the term as applied to a case where the material on the governing date had been delivered to and accepted by a rail, truck, or air carrier on a through bill of lading for transportation to a specified port and from thence by boat to a point within the continental United States.

The material in the stated case is not deemed to be in transit within the meaning of the term as used in the order. If the material is to be carried to the port of arrival in the continental United States by ship the material must have been afloat, or an on board ocean bill of lading must have been issued with respect to it on the governing date in order for it to be considered as having been in transit on such date.

Material which has been delivered to and accepted by a rail, truck, or air carrier on the governing date for transportation to a point within the continental United States is deemed to be in transit within the meaning of the term as used in the order only when the transportation specified in the bill of lading issued by such carrier calls for delivery of the material at the port of arrival in the continental United States by rail, truck, or air carrier, not by ship. (Issued March 5, 1943.)

INTERPRETATION 3: Revoked June 4, 1945.

[F. R. Doc. 46–21122; Filed, Nov. 29, 1946; 11:24 a. m.]

PART 3293—CHEMICALS

[Conservation Order M–131, as Amended Nov. 29, 1946]

CINCHONA BARK AND CINCHONA ALKALOIDS

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of cinchona bark and cinchona alkaloids for the war effort, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the war effort:

§ 3293.131 *(Conservation Order M–131)*—(a) *Definitions.* For the purposes of this order:

(1) "Cinchona alkaloids" means any of the alkaloids or their salts except cinchonine, cinchonidine and totaquine obtained from cinchona bark whether alone or in combination with other alkaloids from cinchona bark, including, but not limited to quinine, quinidine, quinine sulfate, etc., and such alkaloids in standard dosage forms (pills, tablets, capsules, ampoules, etc.) or in packages of one-half ounce or less.

(2) "Quinine" means quinine alkaloid obtained from cinchona bark and its salts and derivatives.

NOTE: Former subparagraphs (3), (4), and (6) deleted and former subparagraphs (5), (7), (8), (9), (10), and (11) redesignated (3), (4), (5), (6), (7), and (8), Nov. 29, 1946.

(3) "Quinidine" means quinidine alkaloid obtained from cinchona bark, and its salts and derivatives.

(4) "Cinchona bark" means the bark obtained from the genus Cinchona or from the genus Remijia.

(5) "Anti-malarial agent" means any product or material which according to modern medical opinion is recognized as a specific for suppression, alleviation or cure of malarial infections.

(6) "Producer" means any person who produces or imports cinchona bark or cinchona alkaloids or has cinchona alkaloids produced for him pursuant to toll agreement.

(7) "Distributor means any person who buys cinchona alkaloids for resale without further processing.

(8) "Supplier" means a producer or distributor.

(b) *Restrictions on deliveries and use.* No person other than Reconstruction Finance Corporation, Office of Defense Supplies, or any duly authorized agent of such corporation, or a government disposal agency acting as such, shall deliver, accept delivery of, or use cinchona bark or cinchona alkaloids except cinchonine, cinchonidine and totaquine unless specifically authorized by Civilian Production Administration, on Forms CPA 2945 or CPA 2946, whichever is appropriate. However, the U. S. Army, Navy, and the U. S. Maritime Commission need not apply for authorization to accept delivery of and use cinchona bark or cinchona alkaloids, but their supplier must list the proposed deliveries except cinchonine, cinchonidine and totaquine and contract numbers on his application Form CPA 2946, and such supplier shall not make delivery until authorized by Civilian Production Administration. Such authorization will also constitute authorization to those services and agencies named to accept delivery of and to use the cinchona bark or cinchona alkaloids.

(c) *Exceptions to restrictions on delivery and use.* Nothing contained in this order shall apply to cinchonine, cinchonidine or totaquine or prohibit the following transactions:

(1) *Deliveries of uncompounded cinchona alkaloids under toll agreement.* Any person may, without authorization from Civilian Production Administration, accept delivery of cinchona alkaloids pursuant to toll agreement for the purpose of compounding into standard dosage forms, and thereafter redeliver the same to the owner thereof, provided the person making the delivery in the first instance has received specific authorization to use the cinchona alkaloids and retains title to such cinchona alkaloids and to the products made therefrom.

(2) *Small deliveries of cinchona alkaloids.* Any person may, without authorization from Civilian Production Administration, accept small deliveries of cinchona alkaloids for the purpose of resale to licensed physicians, veterinarians or to ultimate consumers, or for the purpose of compounding into dosage form and thereafter reselling the same in such form, provided that small deliveries do not exceed in any calendar month:

(i) 5 ounces of quinine or its salts in the aggregate (uncompounded).

(ii) 2 ounces of quinidine or its salts in the aggregate (whether compounded or in standard dosage form), unless acceptance of delivery of this amount, taken together with such person's stock of quinidine on hand on the delivery date exceeds 4 ounces of quinidine or its equivalent in standard dosage form.

No authorization from Civilian Production Administration is required for the compounding of such cinchona alkaloids or for any subsequent delivery, acceptance of delivery, or use of such cinchona alkaloids, whether in compounded form or otherwise. However, the certificate referred to in paragraph (d) of this order is required for all small deliveries of quinidine unless the small delivery is made to an ultimate consumer on a physician's prescription as explained in paragraph (e) of this order.

(3) *Deliveries of quinine in standard dosage forms.* Any person may, without authorization from the Civilian Production Administration, accept deliveries of quinine in packages of ½-ounce or less or in standard dosage forms. No authorization from Civilian Production Administration is required for any subsequent delivery, acceptance of delivery or use of quinine.

(4) *Delivery and use of cinchona bark on hand April 30, 1942.* Any person may deliver, accept delivery of or use, without authorization from Civilian Production Administration, any stock of cinchona bark consisting of less than 50 pounds and which was physically located at any one place on April 30, 1942.

(5) *Delivery and use of cinchona bark or cinchona alkaloids previously compounded.* Any person may deliver, accept delivery of, or use, without authorization from Civilian Production Administration:

(i) Any quinine which had been combined or compounded with other medicinal agents on or before April 4, 1942;

(ii) Any cinchona bark which had been combined or compounded with other medicinal agents on or before April 30, 1942;

(iii) Any quinine and urea hydrochloride (USP) or quinine hydrochloride and urethane which had been combined or compounded with other medicinal agents on or before January 9, 1943;

(iv) Any quinidine which had been combined or compounded with other medicinal agents on or before June 19, 1942.

(v) Any anti-malarial agent manufactured on or before January 9, 1943.

(6) *Delivery and use of synthetic quinidine.* Any person may deliver, accept delivery of or use synthetic quinidine without authorization from the Civilian Production Administration.

(d) *Certification required.* No person shall deliver quinidine pursuant to paragraphs (c) (2), (c) (3) and (c) (5) (v) of this order except upon receipt of a certificate in substantially the form shown below signed manually by a duly authorized official or as provided in Priorities Regulation No. 7. The quantity of material delivered should be specified on the reverse side of the certificate. A certificate is not required in those cases where delivery is made to an ultimate consumer on a physician's prescription as explained in paragraph (e) of this order.

CERTIFICATE FOR QUINIDINE

The undersigned hereby certifies to the Civilian Production Administration and to ---------- (name of seller or supplier) that the quinidine (or product containing quinidine) ordered hereby (specify quantity on reverse side) is for use in the treatment of cardiac disorders and will not be sold, transferred or delivered by the undersigned for any other purpose and if any part of this purchase order of quinidine is sold to an ultimate consumer it will only be sold upon a physician's prescription as provided in paragraph (e) of Conservation Order M-131; and the undersigned further certifies that acceptance of delivery of this order will not increase his inventory of quinidine on hand on the delivery date in excess of 4 ounces of quinidine or its equivalent in standard dosage form. This certification is made in accordance with terms of Conservation Order M-131 with which the undersigned is familiar.

Name of purchaser

By----------

Name and title of duly authorized official

(Date)

(e) *Restrictions on all deliveries of quinidine to ultimate consumers.* Any person who wishes to get quinidine for consumption and not for resale must furnish the supplier with a physician's prescription. This paragraph applies to all deliveries of quinidine (except synthetic quinidine) to the ultimate consumer. No person shall deliver quinidine to an ultimate consumer except upon receipt of a written prescription signed by a physician licensed to prescribe drugs, which shall state either that the quinidine prescribed is to be used for the treatment of cardiac disorders or "Pursuant to Civilian Production Administration Order M-131, paragraph (e)". No quinidine shall be delivered pursuant to a prescription which is written for more than fifty 3-grain tablets or capsules or for the equivalent of 150 grains of quinidine in other dosage forms. No delivery of quinidine shall be made pursuant to a prescription which is used a second time to obtain additional quantities.

(f) *Applications for authorization to accept delivery or use.* A person requiring authorization to accept delivery or to use cinchona bark or cinchona alkaloids except cinchonine, cinchonidine and totaquine during any calendar month shall file application on Form CPA 2945 with the Chemicals Division, Civilian Production Administration, Washington 25, D. C., on or before the 15th of the preceding month. Instructions for filling out this form are set out in Appendix A. One copy of Form CPA 2945 will be returned to the sender, on which Civilian Production Administration will indicate the quantity and type of cinchona alkaloids which he is authorized to acquire or use.

(g) *Applications for authorization to deliver.* A supplier desiring authorization to deliver cinchona bark or cinchona alkaloids except cinchonine, cinchonidine and totaquine during any calendar month shall file application on Form CPA 2946 with the Chemicals Division, Civilian Production Administration, Washington 25, D. C., on or before the 20th day of the preceding month. Instructions for filling out this form are set out in Appendix B. One copy of Form CPA 2946 will be returned to the supplier on which the Civilian Production Administration will indicate the quantity and

type of cinchona bark or cinchona alkaloids which he is authorized to deliver.

(h) [Deleted Sept. 5, 1945.]

(i) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of Civilian Production Administration, as amended from time to time, except to the extent that any provisions hereof may be inconsistent therewith, in which case the provisions of this order shall govern.

(j) *Inability to deliver.* If a producer or distributor is authorized or directed by Civilian Production Administration to deliver cinchona bark or cinchona alkaloids to any specific customer or group of customers, but is unable to make the delivery either because of receipt of notice of cancellation or otherwise, he must immediately notify the Civilian Production Administration, Chemicals Division, Washington 25, D. C., Ref: M–131, and shall not deliver the material to anyone else, or use it, until he receives further instructions.

(k) *Appeals.* Appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(l) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(m) *Communications to Civilian Production Administration.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: Civilian Production Administration, Chemicals Division, Washington 25, D. C. Ref: M–131.

Issued this 29th day of November 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

APPENDIX A

INSTRUCTIONS FOR FILING APPLICATIONS ON FORM CPA 2945 [1] FOR SPECIFIC AUTHORIZATION TO ACCEPT DELIVERY AND USE OF CINCHONA BARK OR CINCHONA ALKALOIDS

(1) *Who should file.* Specific authorization by Civilian Production Administration is required for acceptance of all deliveries of cinchona alkaloids except cinchonine, cinchonidine and totaquine, unless the deliveries fall within the exceptions provided in paragraph (c) of the order. Any producer desiring permission to use part or all of his own production shall also file this application. This form need not be filed by the U. S. Army, Navy, Coast Guard, the U. S. Maritime Commission or War Shipping Administration.

(2) *Where forms may be obtained.* Copies of Form CPA 2945 may be obtained at local field offices of Civilian Production Administration.

(3) *Number of copies.* Five copies shall be prepared, of which three shall be forwarded to Civilian Production Administration, Chemicals Division, Washington 25, D. C., Ref: M–131, one forwarded to the supplier with whom applicant's order is placed, and the fifth retained for applicant's file. At least one of the copies filed with the Civilian Production Administration shall be signed by applicant by a duly authorized official. Where the application is solely for authorization to use from inventory, no copy need be prepared for suppliers.

(4) *Special instructions for filling out form.* Follow the instructions on the form except where they conflict with the specific instructions given below:

(a) *Heading.* Under "Name of chemical", specify either "Cinchona bark" or "Cinchona alkaloids", using a separate set of forms for each. Under "CPA Order No.", specify "M–131", under "Unit of Measure", specify "Pounds" in the case of cinchona bark and "Ounces" in the case of cinchona alkaloids.

(b) *Column 1.* In applying for authorization to receive or to use cinchona bark, specify in Column 1 the grade or variety. In applying for authorization to accept delivery or to use cinchona alkaloids, specify in Column 1 the name of each alkaloid or the salt of the alkaloid; for example, quinine alkaloid, quinine sulfate, quinidine alkaloid, quinidine sulfate, etc. (It is not necessary to use a separate set of forms for each alkaloid or salt of alkaloid requested).

(c) *Column 2.* Specify the quantity (in pounds) for cinchona bark and (in ounces) for each type of cinchona alkaloid.

(d) *Column 3.* In Column 3 "Primary product" specify the exact name of the product or products in the manufacture or preparation of which the cinchona bark or the cinchona alkaloids will be used or incorporated. Distributors ordering cinchona mark or cinchona alkaloids for resale will specify "Resale". If purchase is for inventory, specify "Inventory".

(e) *Column 4.* In Column 4 specify ultimate use to be made of the primary product, for example, "Anti-malarial" or "cardiac", and if the purpose is to fill Army, Navy, Lend-Lease or other government agencies' contracts, state the contract number. If purpose is for export, the CPA 2945 must first be sent to Department of Commerce, Office of International Trade, together with application for an export license. If the export license is granted, Department of Commerce, Office of International Trade, will then affix the export license number to Form CPA 2945 and forward the document to Civilian Production Administration.

APPENDIX B

INSTRUCTIONS FOR FILING SUPPLIER'S APPLICATION ON FORM CPA 2946 [1] FOR SPECIFIC AUTHORIZATION TO DELIVER CINCHONA BARK OR CINCHONA ALKALOIDS

(1) *Who should file.* All suppliers (except Army, Navy, etc.—as listed in paragraph (b)), must obtain specific authorization before delivering cinchona bark or cinchona alkaloids except cinchonine, cinchonidine or totaquine.

(2) *Where forms may be obtained.* Copies of Form CPA 2946 may be obtained at local field offices of Civilian Production Administration.

(3) *Number of copies.* Four copies shall be prepared, of which three shall be forwarded to Civilian Production Administration, Chemicals Division, Washington 25, D. C., Ref: M–131, the fourth to be retained by the supplier. Each producer who has filed application on Form CPA 2945 specifying himself as his supplier, shall list his own name as customer on Form CPA 2946 and shall list his request for allocation in the manner prescribed for other customers.

(4) *Special instructions for filling out form.* Follow the instructions on the form except where they conflict with the specific instructions given below:

(a) *Heading.* In the heading under "Name of chemical", specify "Cinchona bark" or "Cinchona alkaloids", as the case may be, using a separate set of forms for each. Under "CPA Order No.", specify "M–131"; under "Unit of measure", specify "Pounds" in the case of cinchona bark and "Ounces" in the case of cinchona alkaloids.

(b) *Column 1.* Specify the names of customers. A producer requiring permission to use a part or all of his own production of cinchona bark or cinchona alkaloids shall list his own name in Column 1 as customer. After completing the list of customers, insert "Total small order deliveries (estimated)" for each alkaloid or salt delivered pursuant to paragraph (c) (2) of this order.

(c) *Column 3.* List each alkaloid or salt (and in the case of cinchona bark, the variety) for which orders for delivery during the applicable month have been received as indicated in the Forms CPA 2945 filed with him by his customers.

(d) *Column 4.* Specify total quantity to be delivered to each customer named in Column 1, and total estimated quantity to be delivered on the "Small order deliveries" mentioned in Column 1.

(e) *Table II.* Each producer will report production, deliveries and stocks as required by Table II, Columns 8 to 16, inclusive. Distributors and importers will enter in Columns 9, 11 and 14 "Receipts" instead of "Production". In Column 8 the supplier will specify in the case of cinchona bark the variety and in the case of cinchona alkaloids each alkaloid or salt of alkaloid for which orders for delivery during the applicable month have been received, as indicated in the Forms CPA 2945 filed with him by his customers.

[F. R. Doc. 46–21120; Filed, Nov. 29, 1946; 11:23 a. m.]

PART 3294—IRON AND STEEL PRODUCTION

[Gen. Preference Order M–21, Direction 13, as Amended Nov. 29, 1946]

PRIORITIES ASSISTANCE FOR MERCHANT PIG IRON

The following amended direction is issued pursuant to M–21:

(a) *What this direction does.* The continued shortage of merchant pig iron, particularly in certain areas, threatens production of railroad brake shoes and certain items critically short for the Veterans' Emergency Housing Program. It is necessary to maintain production of these items at a high level, and at the same time insure that, as far as possible, this essential demand for merchant pig iron is spread as evenly as possible among furnaces and areas, so that individual foundries are not unfairly affected. This direction no longer provides for assistance in obtaining iron castings. CC ratings may be assigned for iron castings under Priorities Regulation 28, and special help may be given to certain products under Direction 18. This direction provides for the continued allocation of merchant pig iron during the fourth quarter 1946, and the first quarter 1947. This direction is necessary and appropriate in the public interest, to promote the national defense, and to effectuate the purposes of the Veterans' Emergency Housing Act of 1946.

(b) *Applications for listed products*—(1) *What foundries may apply.* Foundries which make products on Schedule A of this direc-

[1] The reporting provisions of this order have been approved by the Bureau of the Budget in accordance with Federal Reports Act of 1942.

tion, (including those which make components of Schedule A products and are wholly owned and operated by manufacturers of Schedule A products) may apply under this direction for authority to place a "certified order" for merchant pig iron needed to make Schedule A products.

(2) *Authorizations.* The CPA may authorize the placing of certified orders for merchant pig iron required to make products on Schedule A if it determines that such authorization is necessary. Such authorizations will not be granted to increase inventories. Since the supply of merchant pig iron available for these items is limited, and the total impact of the requests cannot be known until all applications are filed, the CPA cannot assure any applicant that he will receive authorization for enough material to meet all his requirements for the item applied for.

(c) *When to file.* Applications should be filed on Form CPA–4504 so as to be received by CPA on or before the 5th day of the month preceding the month in which delivery is requested. For example on December 5th for January. Authorizations will be returned by the 20th.

(d) How to place a certified order.

(1) A purchase order for merchant pig iron may be certified by furnishing a certification in substantially the following form to the producer, signed as provided in Priorities Regulation 7:

> I certify, subject to the penalties of section 35A of the United States Criminal Code, that I am authorized to place this order for merchant pig iron under Direction 13 to Order M–21, Serial No. _____.

(2) *Canadian purchasers of merchant pig iron.* In the case of a Canadian purchaser of merchant pig iron who has been authorized pursuant to application on Form CPA–4504, a purchase order may be certified by furnishing a certification in substantially the following form:

> The undersigned purchaser certifies, subject to the penalties of Section 15 of the Canadian Wartime Industries Control Regulations, to the seller, to the Canadian Priorities Officer, and to the Civilian Production Administration, that he is authorized to place this order for merchant iron under the provisions of General Instruction Letter No. 67 and Direction 13 to Order M–21.

(e) *Limitation on use of merchant pig iron obtained on certified orders.* Each foundry must put into production in each month for which it receives authorization not less than the amount of merchant pig iron authorized for that month on Form CPA–4504 to make products on Schedule A.

(f) *Periods for which certified orders may be placed.* Orders may be certified for delivery only in the months specifically authorized on Form CPA–4504.

(g) *Refusal of certified orders for merchant pig iron.* A producer need not accept a certification for merchant pig iron if it is received after the 25th day of the month preceding the month in which delivery is requested.

(h) *Certified orders must be treated as rated orders.* Certified orders must be scheduled for production in preference to all other orders except for orders covered by specific written directives issued by the Civilian Production Administration. Any purchase order certified under this direction must be treated as a rated order under Priorities Regulation 1 and accepted, scheduled, and delivered accordingly. The rules of Priorities Regulation 1 will apply, except to the extent that this direction is inconsistent with them.

(i) *Equitable distribution to consumers.* Producers and foundries must distribute remaining amounts of merchant pig iron and iron castings in a fair and equitable manner after filling certified and rated orders.

(j) *Reports.* Producers and foundries must furnish such reports as may be required by the Civilian Production Administration from time to time, subject to approval by the Budget Bureau pursuant to the Federal Reports Act of 1942.

(k) *Other assistance to obtain merchant pig iron*—(1) *General.* Preference ratings will not be assigned to the deliveries of merchant pig iron, but instead authorizations to place certified orders, or directives may be granted, as the case requires.

(2) *Authorizations to place certified orders other than as provided in paragraph (b).* Ordinarily, CPA may grant authorizations to place certified orders for merchant pig iron required for products other than those on Schedule A under the conditions provided in Priorities Regulation 28. However, in certain areas, for certain types of merchant pig iron, and in the case of certain furnaces, the supply available may be insufficient to guarantee most foundries a minimum economic rate. In such case, the Civilian Production Administration will grant authorizations only under the conditions described in paragraph (h) of Priorities Regulation 28.

(3) *How to file.* Applications under paragraph (k) (2) should be filed on Form CPA–4504 together with Form CPA–541A (with blocks 7A, 7B, 9, 12, 13, 14, and 16 only filled out). Applications should be filed and will be acted on by the Civilian Production Administration only at the times provided by paragraph (c).

Issued this 29th day of November 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A

Gray and malleable iron castings required to make the following items:

1. Residential type products:

Cast iron soil pipe and fittings
Cast iron pressure pipe and fittings
Cast iron radiation (tubular and convector)
Warm air furnaces and floor and wall furnaces
Bath tubs, lavatories, kitchen sinks, and sink and tray combinations as described in paragraph (e) (2) of Direction 18 to Priorities Regulation 28.
Low pressure boilers for residential heating use
Screwed pipe fittings in the following classes:
(a) Gray cast recessed drainage, 2 in. and under
(b) Gray cast steam fittings, 3 in. and under (125 lbs. S. W. P.)
(c) Malleable fittings, including unions, 2 in. and under (150 lbs. S. W. P.)
Builders hardware (same types as Direction 18 to Priorities Regulation 28)
Electrical wiring devices (only the types listed in paragraph (e) (2) of Direction 18 to Priorities Regulation 28)

2. Railroad brake shoes

[F. R. Doc. 46–21119; Filed, Nov. 29, 1946; 11:23 a. m.]

PART 4600—RUBBER, SYNTHETIC RUBBER AND PRODUCTS THEREOF

[Rubber Order R–1, as Amended Nov. 15, 1946, Amdt. 1]

PURCHASE BY VEHICLE MANUFACTURER OF TIRES AND TUBES FOR ORIGINAL EQUIPMENT

Rubber Order R–1, as amended November 15, 1946, is hereby further amended as follows:

1. By changing § 4600.08, *Purchase by vehicle manufacturer of tires and tubes for original equipment,* to read as follows:

§ 4600.08 *Purchase by vehicle manufacturer of tires and tubes for original equipment.* In order to obtain tires and tubes for original equipment, a vehicle manufacturer must certify his purchase order in substantially the following form, signed by an authorized official of his company:

> The undersigned hereby certifies, subject to the criminal penalties for misrepresentation contained in section 35A of the United States Criminal Code, that the tires and tubes listed on the attached purchase order are required by him for vehicles or equipment made by him, and that the deliveries specified will not result at any time in an inventory greater than required for his scheduled production in the fifteen (15) days following any delivery date.

Use of the above certification constitutes a representation that the deliveries scheduled will not result in the acquisition of more tires and tubes (including inventory) than are required for the particular manufacturer's production of vehicles or equipment during the 15-day period following each scheduled delivery. In the event of a decrease in the number of tires and tubes actually required, due to work stoppage in the vehicle manufacturer's plant or for any other cause, the vehicle manufacturer shall immediately notify his supplier of the reduction in the requirement and the scheduled deliveries must be revised accordingly.

(a) *Until December 16, 1946 tires and tubes may not be purchased to provide spares.* Until December 16, 1946 a manufacturer of vehicles or other equipment mounted on rubber tires, may purchase tires and tubes only for the running wheels of such vehicles and equipment. He shall not purchase tires and tubes for the purpose of providing a spare tire or tube for any such vehicles or equipment.

(Sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 177; E. O. 9024, 7 F. R. 329; E. O. 9040, 7 F. R. 527; E. O. 9125, 7 F. R. 2719; E. O. 9246, 7 F. R. 7379, as amended by E. O. 9475, 9 F. R. 10817; WPB Reg. 1 as amended Dec. 31, 1943, 9 F. R. 64)

Issued this 29th day of November 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 46–21123; Filed, Nov. 29, 1946; 11:24 a. m.]

PART 4600—RUBBER, SYNTHETIC RUBBER AND RUBBER PRODUCTS THEREOF

[Rubber Order R–1, Appendix II, as Amended Nov. 29, 1946]

APPENDIX II—MANUFACTURING REGULATIONS

Rubber Order R–1, Appendix II, is hereby amended to read as follows:

Appendix II to Rubber Order R–1 establishes certain compounding proportions and manufacturing regulations for many of the products enumerated in Table B of Appendix I to Rubber Order R–1. These compounding proportions and manufacturing regulations are set out in the so-called lists appearing below:

(a) *Limitation on production of rubber products.* No person may manufacture any of the products covered by the lists set out in this Appendix II except in accordance with the restrictions and regulations in the list applicable to the product.

(b) *General provisions.* (1) The total rubber hydrocarbon (designated total RHC in this appendix) is the sum total of natural rubber, synthetic rubber and the rubber hydrocarbon value of reclaimed rubber. The rubber hydrocarbon value of reclaimed rubber shall be calculated from the rubber value of reclaimed rubber as certified by the manufacturer of the reclaimed rubber and shall be determined by the "difference, or indirect" method.

(2) "X" indicates that the material so designated may be consumed in the minimum quantities required by the manufacturer who has received authorization to consume on form CPAI–3563 subject to any special restrictions or provisions applicable to the particular product.

TABLE OF LISTS INCLUDED IN APPENDIX II

LIST 2—MANUFACTURE OF TIRE AND FLAP CURING BAGS

(a) *Manufacturing regulations.* The use of natural rubber or butyl in the manufacture of all sizes and types of tire and flap curing bags is permitted.

(b) *Marking of synthetic curing bags.* All curing bags containing synthetic rubber shall have a permanent circumferential colored strip approximately three-eighths inch wide applied on the base section of the bag. The appropriate color shall be determined from paragraph (a) of List 6.

LIST 5—[Deleted Nov. 29, 1946.]

LIST 6—TUBE IDENTIFICATION

(a) *Synthetic rubbers.* The identification of the various types of synthetic rubber is effected by designating each type by a letter and a color, as follows:

Letter	Color	Type of synthetic
S	Red	GR–S.
M	Yellow	GR–M (Neoprene).
I	Light Blue	GR–I (Butyl).

(b) [Deleted Nov. 29, 1946.]

LIST 7—MANUFACTURE OF TIRE AND TUBE REPAIR MATERIALS

(a) *Manufacturing regulations.* Natural rubber as required may be used in the manufacture of tire and tube repair materials except as provided in List 13 hereof.

LIST 8—MANUFACTURE OF TIRES AND TIRE CASINGS

(a) *General provisions.* (1) The natural rubber content of any tire or tire casing governed by this List 8 shall not include processing losses or natural rubber latex used in cord treatment.

(2) Natural latex may be consumed in the treatment of rayon and cotton cord at the manufacturer's discretion provided the overall average by weight of natural latex so consumed does not exceed 7.5# per 1000# (dry weight) of total rayon and cotton cord treated. Natural rubber latex may be consumed in the treatment of nylon cord without limit.

(3) The use of rayon in the manufacture of tires and tire casings governed by this List 8 shall conform to the regulations set forth in List 15.

(4) All types of pneumatic tires shall be manufactured with black sidewalls only, subject to the following exception:

Experimental white sidewall passenger tires may be manufactured and sold provided that:

(1) All such tires shall be of standard passenger tire construction,

(2) All such tires shall be marked "EXPL" on one side, and

(3) The number of white sidewall passenger tires so manufactured shall not exceed 50 in any one month for each tire producing plant.

(b) *Manufacturing regulations.* (1) Natural rubber may be consumed in the manufacture of solid auxiliary airplane tires, as required.

(2) Solid tires of cured-on type and industrial (bonded and unbonded) type may be manufactured, provided that natural rubber is consumed only as follows:

Hard rubber base type except industrial—as required.

Tie-gum base (soft base) type except industrial—as required.

Other constructions—as required, except industrial.

Hard rubber base, industrial type. Natural rubber shall be consumed only in cements and/or hard rubber base and shall not exceed, by weight, 10 percent of the total RHC. Individual sizes may exceed the 10 percent maximum by 5 percent numerically provided that the average natural rubber content of all sizes does not exceed the 10 percent maximum.

Tie-gum base (soft base), industrial type. Natural rubber shall be consumed only in cements and/or tie-gum and shall not exceed, by weight, 8 percent of the total RHC. Individual sizes may exceed the 8 percent maximum by 5% numerically, provided that the average natural rubber content of all sizes does not exceed the 8 percent maximum.

Lug-base industrial (unbonded) type. Natural rubber shall be consumed only in cements and/or splicing gum and shall not exceed, by weight, .75 percent of the total RHC. Individual sizes may exceed .75 percent maximum by 5% numerically, provided that the average natural rubber content of all sizes does not exceed the .75 percent maximum.

(3) In the manufacture of rubber tracks and track blocks a maximum of 8 percent by weight of the total RHC may be natural rubber.

(4) All rubber products for military use shall be manufactured in accordance with U. S. Army and Navy specifications.

(5) The manufacture of tires and tire casings consuming more natural rubber than permitted in paragraph (b) (1), (b) (2) and (b) (3) of this List 8 shall be limited to the sizes and type of tire construction and maximum percent of natural rubber specified in Table A below:

Table A—All Types of Pneumatic Tires

NOTE: Table A revised Nov. 29, 1946.

Size and type	*Maximum percent[1] natural rubber of total RHC, by weight, rayon, nylon, or cotton*
11.00 and up (all types)	X
All airplane, all inter-city bus mileage, all low platform trailer, and all wire tires	94
8.25 through 10.00 (all other types except tractor, implement, and industrial pneumatic	94
7.00 and up, all other truck, passenger, and industrial of 8 ply and up	67
6.50 and down passenger, motorcycle, and industrial of 8 ply and up	23
Bicycle, light weight only	X
Bicycle, balloon size	27
All other pneumatic tires	13

[1] Individual sizes may exceed the indicated maximum percentage, provided the average natural rubber content of all sizes within the groups as listed in this Table A, does not exceed the indicated maximum percentage. No tire within the groups permitting 94% or more natural rubber shall be manufactured with a natural rubber content more than 5% greater than the maximum allowable percentage of total RHC. No tire within the groups permitting 67% or less shall be manufactured with a natural rubber content more than 10% greater than the maximum allowable percentage of total RHC, for tires in these groups. For example, a tire in which a maximum of 23% of natural rubber is permitted may be made with 33%.

LIST 9—MANUFACTURE OF TIRE TUBES

(a) *Manufacturing regulations.* (1) In the manufacture of tubes, natural rubber is permitted in valves, valve cap gaskets, valve adhesion pads, splicing gum strips and cements, and identification inks and cements.

(2) Passenger car tubes of all types shall contain not more than 0.02 pound of natural rubber per tube.

(3) Natural rubber shall be consumed in the manufacture of tubes subject to the following regulations:

Natural rubber may be consumed in the manufacture of airplane tubes and in the manufacture of puncture seal and other types of safety tubes.

Mandatory in 7.00 cross section and larger except passenger, tractor, implement or light truck tubes.

Optional in all tubes 18" diameter and under, except 15" and 16" passenger, tractor, implement or light truck tubes.

Optional in all 6.00 cross section and larger truck, tractor and implement tubes except 15 and 16 inch diameters.

(4) The manufacture of tubes from GR–I (Butyl) shall be permitted in all other sizes and types.

(b) *Marking of synthetic tubes.* All tubes containing synthetic rubber shall have a permanent circumferential colored stripe approximately three-eighths inch wide applied on the base section of the tube. The appropriate color shall be determined from paragraph (a) of List 6.

LIST 10—MANUFACTURE OF TIRE FLAPS

(a) *Manufacturing regulations.* The use of natural rubber in the manufacture of tire flaps shall be subject to the following regulations:

	Maximum percent natural rubber of total RHC by weight
Flaps for 12.00 cross section and larger tires	X
Flaps for 11.00 cross section and smaller tires	50

LIST 13—MANUFACTURE OF RETREADING MATERIALS INCLUDING CAMELBACK (WING-DIE), CAPPING STOCK (BEVEL-DIE), LUG STOCK, BASE STOCK, PADDING STOCK, STRIPPING STOCK, FILLER STRIP AND FULL CIRCLE CURING TUBES

(a) *General provisions.* Natural rubber may be consumed in cements for application of cushion gum and in inks or cements for identification purposes.

(b) *Manufacturing regulations.* (1) The manufacture of retreading materials, shall be limited to camelback (wing-die), capping stock (bevel-die), lug stock, base stock, padding stock, stripping stock, filler strip and cushion gum for application by the manufacturer to camelback, capping stock, lug stock and base stock and full circle curing tubes.

(2) The compounds used in manufacturing the items permitted by paragraph (b) (1) of this List 13 shall conform to the regulations shown in the following table:

Retreading Materials

	Maximum percent natural rubber of total RHC by weight
Camelback for all airplane tires and all types 12.00 and up	X
All other camelback	[1] 0
Padding stock (maximum thickness 1/16")	X
Stripping stock (maximum thickness 1/8")	X
Filling stock (maximum thickness 1/8")	X
Camelback cushion (maximum thickness 1/16")	X
Full circle curing tubes	[1] X

[1] Camelback is graded as follows:

	Maximum percent new GR-S by weight	Minimum percent new GR-S by weight
(a) Grade A		55
(b) Grade C	45	35
(c) Grade F	0	

LIST 15—USE OF TIRE-TYPE HIGH-TENACITY RAYON CORD, FABRIC OR YARN

(a) In the manufacture of rubber products, tire-type high-tenacity rayon cord, fabric and yarn may be used only for the following listed products:

ORDER OF PREFERENCE AND TYPE OF PRODUCT

Group A:
1. Airplane tires.
2. Self-sealing fuel cells.
3. Bullet-sealing hose.
4. Combat (U. S.) tires, including only cross section 8.00 and larger.
5. Mileage contract bus tires:
   a. Inter-city bus tires.
   b. City bus tires.
6. Special purpose tires, including rock service, logger, earthmover and 18.00 and up mud and snow.
7. Truck and bus tires, 10 ply rating and more.
8. Belts.
9. Tire repair materials.
10. Truck and bus tires 6 and 8 ply rating.
11. Tires of the following types:
    Road Grader—all tread types and all sizes.
    Tractor, implement and pneumatic industrial—all tread types and all sizes.
    Passenger—all tread types in sizes 7.00 and larger.

Group B (passenger):
12. All tread types 6.50 cross section including the 6.25/6.50 cured in the 6.50 mold.

(b) Any manufacturer using tire-type rayon must consume it in the order of preference in the above usage pattern, arranging to fulfill all requirements in Group A, items 1 through 11 in their numerical order, before any is used in Group B, item 12.

(c) To obtain tire-type high-tenacity rayon cord, fabric or yarn for this production of items 1 through 11, Group A, a manufacturer must certify on his purchase order in substantially the following form signed by an authorized official:

The undersigned hereby certifies subject to the criminal penalties for misrepresentation contained in Section 35a of the United States Criminal Code that _____ pounds of rayon listed on the attached purchase order are required by him in the production of products in Group A—List 15 of Appendix II to Rubber Order R-1.

A Canadian manufacturer using tire-type high-tenacity rayon cord fabric or yarn may obtain it by certifying on his purchase order in substantially the following form, signed by an authorized official:

The undersigned purchaser hereby certifies, subject to the penalties of section 15 of the Canadian Wartime Industries Control Regulations, to the seller, to the Canadian Priorities Officer and to the Civilian Production Administration, that —— lbs. of rayon listed on the attached purchase order are being purchased for use in Canada and that the attached purchase order has been approved by the Canadian Rubber Controller.

(d) A manufacturer of rubber products may use rayon obtained without certification to produce products listed in Group B—List 15 of Appendix II to Rubber Order R-1.

(e) A producer or seller of tire-type high-tenacity rayon cord, fabric or yarn must fill that portion of purchase orders covered by the certification prior to filling uncertified orders.

(f) Each consumer of tire-type high-tenacity rayon cord, fabric or yarn shall so schedule his receipts of rayon, fabric or yarn so that the combined total of his inventory as of August 31, 1946, shall not exceed 60 days supply based on his projected production of the above permitted products. On and after August 31, 1946, no consumer shall be permitted to have in inventory in excess of 60 days' supply based on such projected use.

(Sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 177; E. O. 9024, 7 F. R. 329; E. O. 9040, 7 F. R. 527; E. O. 9125, 7 F. R. 2719; E. O. 9246, 7 F. R. 7379, as amended by E. O. 9475, 9 F. R. 10817; WPB Reg. 1 as amended Dec. 31, 1943, 9 F. R. 64)

Issued this 29th day of November 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 46-21121; Filed, Nov. 29, 1946; 11:23 a. m.]

Chapter XI—Office of Price Administration

PART 1305—ADMINISTRATION

[3d Rev. RO 3,[1] Amdt. 13, Supp. 1]

SUGAR

Supplement 1 to Third Revised Ration Order 3 is amended in the following respect:

Section 3.1 is amended by deleting the date "November 30, 1946" in items No. 27 and 28 and substituting in place thereof the date "December 31, 1946."

This amendment shall become effective November 29, 1946.

Issued this 29th day of November 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-21127; Filed, Nov. 29, 1946; 11:48 a. m.]

PART 1305—ADMINISTRATION

[Rev. Gen. RO 18, Amdt. 2]

DISTRIBUTION OF BASES TO CERTAIN FORMER MEMBERS OF THE ARMED FORCES

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Revised General Ration Order 18 is amended in the following respects:

1. Section 1.4 (e) is amended to read as follows:

(e) *Has no other business.* He must not have any business other than the operation of the sugar using establishment for which he is applying and he did not have any other sugar using business on or after the latest of the following dates:

(1) The date he was discharged or released;

(2) The date he was placed on terminal leave; or

(3) March 22, 1945.

(As used in this paragraph "operation of a Sugar Using Business" includes but is not limited to provisional allowance users, industrial users, institutional users, persons who have been tollees under the provisions of Third Revised Ration Order 3, and persons who have used sugar in making products for exempt agencies);

2. Section 3.1 (a) (4) is amended to read as follows:

(4) That he does not have any other business other than the establishment or establishments for which he is applying and did not have any other sugar using business on or after the date he was discharged or released, the date he was placed on terminal leave, or on March 22, 1945, whichever date is latest; (As used in this subparagraph "operation of a Sugar Using Business" includes but is not limited to provisional allowance users, industrial users, institutional users, persons who have been tollees under the provisions of Third Revised Ration Order 3, and persons who have used sugar in making products for exempt agencies);

3. Section 7.1 (a) is amended by adding a note at the end thereof to read as follows:

NOTE: For the purpose of determining the one year limitation of this paragraph, an adjustment in base granted under the provisions of section 2.2 of this order shall be deemed to have been granted at the time the original base was established or adjusted under this order.

This amendment shall become effective December 5, 1946.

Issued this 29th day of November 1946.

PAUL A. PORTER,
Administrator,

[1] 11 F. R. 166.

Rationale Accompanying Amendment No. 2 to Revised General Ration Order 18

Present regulations. The present regulations provide that a veteran who had a business since the date of his discharge or release or March 22, 1945, whichever is later, is not eligible for a sugar base under Revised General Ration Order 18, even though he no longer has a business at the time he files his application.

Proposed amendment. This amendment provides that a veteran is not disqualified from receiving a sugar base if he does not have a business at the time he files an application under the provisions of Revised General Ration Order 18 even though he had a business since the date of his discharge or release or March 22, 1945, whichever is later, unless such business was a sugar using business.

Reasons for amendment. After processing veterans' applications under the present provisions of Revised General Ration Order 18 for more than a year, it is becoming increasingly evident that many veterans, upon their discharge from service, go into temporary businesses until they are in a position to undertake the establishment and operation of a permanent business. The present difficulty of obtaining premises, equipment and raw materials for permanent businesses makes it imperative for many veterans to postpone their plans for establishing themselves in a permanent business of their choice and to temporarily enter into other businesses in order to make a living for themselves and their families. It is not our intention to preclude a veteran who has entered into a temporary non-sugar using business from from the opportunity of entering into a sugar business under the provisions of the Veterans regulation.

However, from an administrative standpoint, it is impossible for us to determine whether a veteran, after his discharge from service, has set himself up in a temporary or a permanent business. It is felt, therefore, since such determination cannot be made with any degree of accuracy, that it is more feasible to permit a veteran who had a non-sugar using business since the date of his discharge or release or March 22, 1945, whichever is later, to qualify for consideration for a sugar base under the provisions of Revised General Ration Order 18 if he no longer has a business at the time he files his application for such sugar base. Veterans, however, who have had a sugar using business since the date of their discharge or release or March 22, 1945, whichever is later, are not eligible for a sugar base under the provisions of Revised General Ration Order 18. This restriction is necessary as it would be obviously unfair to permit veterans, who have had a sugar using business to obtain a base under the provision of Revised General Ration Order 18 in order to establish themselves in another sugar using business while at the same time limiting persons, other than veterans, to their historical use of sugar. For example, a person who has an established sugar base for a bakery under the sugar order may not shift to the making of candy.

This amendment, therefore, permits a veteran to qualify for consideration for a sugar base under the provisions of Revised General Ration Order 18 if he does not have a business at the time he files his application and if he has not had a sugar using business since the date of his discharge or release, or March 22, 1945, whichever is later.

This amendment also makes it clear that an adjustment in base granted under the provisions of section 2.2 shall be deemed to have been granted at the time the original base was established or adjusted under this order.

[F. R. Doc. 46-21126; Filed, Nov. 29, 1946; 11:48 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[3d Rev. RO 3 [1], Amdt. 31]

SUGAR

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Third Revised Ration Order 3 is amended to read as follows:

Section 1.9 (a) is amended by deleting the date "November 30, 1946" and substituting in place thereof the date "December 31, 1946."

This amendment shall become effective November 29, 1946.

Issued this 29th day of November 1946.

PAUL A. PORTER,
Administrator.

Rationale Accompanying Amendment No. 31 to Third Revised Ration Order 3

Owing to transportation difficulties the distribution of sugar on the east coast was greatly hampered. As a result, the limited supply of sugar available in retail stores in the eastern part of the United States has made it impossible for many housewives to obtain sugar with their home canning stamps. In order to give as many consumers as possible an opportunity to obtain sugar with their home canning stamps, this amendment extends the validity date of Spare Stamps 9 and 10 through December 31, 1946.

[F. R. Doc. 46-21128; Filed, Nov. 29, 1946; 11:48 a. m.]

Chapter XXIII—War Assets Administration

[Reg. 1, Amdt. 2]

PART 8301—DESIGNATION OF DISPOSAL AGENCIES AND PROCEDURES FOR REPORTING SURPLUS PROPERTY LOCATED WITHIN THE CONTINENTAL UNITED STATES, ITS TERRITORIES AND POSSESSIONS

War Assets Administration Regulation 1, July 19, 1946, entitled "Designation of Disposal Agencies and Procedures for Reporting Surplus Property Located Within the Continental United States, Its Territories and Possessions", as amended through September 9, 1946 (11 F. R. 7970, 10221), is hereby further amended in the following respects:

1. Section 8301.1 (b) (4) is amended to read as follows:

(4) "Section 23 real property" means property consisting of land, together with any fixtures and improvements thereon (including hotels, apartment houses, hospitals, office buildings, stores, and other commercial structures) located outside the District of Columbia, but does not include (i) commercial structures constructed by, at the direction of, or on behalf of any Government agency, (ii) commercial structures which the Administrator determines have been made an integral part of a functional or economic unit which should be disposed of as a whole, and (iii) war housing, industrial plants, factories, airports, airport facilities, or similar structures and facilities, or the sites thereof, or land which the Administrator determines essential to the use of any of the foregoing.

2. Section 8301.12 is amended to read as follows:

§ 8301.12 *Continental United States, territories and possessions; declarations of surplus real property*—(a) *Filing.* Declarations of surplus real property shall be filed with the War Assets Administrator, Washington 25, D. C. Where personal property is to be declared surplus in conjunction with real property, the owning agency shall in advance notify the appropriate regional office of War Assets Administration or, in the territories and possessions, the appropriate office of the Department of the Interior, of the date on which WAA Form 1001 will be ready for filing. Such office may designate a representative with whom the form may be filed at the installation site and who shall be authorized to accept the declaration for filing. If for any reason such form is not so filed with the designated representative it shall be filed at the War Assets Administration regional office, or, in the territories and possessions, at the appropriate office of the Department of the Interior.

(b) *Transmitting.* The Administrator will transmit the declaration to the appropriate disposal agency and will notify the owning agency of such transmittal.

3. Section 8301.15 is amended by changing the caption as follows: "§ 8301.15 *Withdrawals*—(a) *Personal property.*" and by the addition of the following new subparagraph to be designated (b) which shall read as follows:

(b) *Real property.* A request by an owning agency for the withdrawal of a declaration of surplus real property shall be transmitted to the Administrator by the filing of WAA Form 1005 [1] (formerly Form SPB-5) with complete justification for the requested withdrawal. In cases where the disposal agency has incurred direct costs or obligations in connection with the care or handling of the property, the withdrawal by the owning agency shall be on condition that the disposal agency be reimbursed for any direct costs so incurred and relieved of any such ob-

[1] 11 F. R. 177.

[1] Reg. 1, Order 3 (11 F. R. 6774, 9572).

ligations. The Administrator, after consideration of the request and any additional evidence which he deems appropriate, will notify the owning agency and the appropriate disposal agency, if the declaration previously was transmitted thereto, of his decision.

This amendment shall become effective November 30, 1946.

ROBERT M. LITTLEJOHN,
Administrator.

NOV. 26, 1946.

[F. R. Doc. 46-21116; Filed, Nov. 29, 1946; 11:05 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

PART 1—GENERAL ORGANIZATION AND JURISDICTION

FIELD ORGANIZATION AND DELEGATION OF AUTHORITY

The following amendments to the regulations describing organization and procedures are promulgated to effectuate compliance with the requirements of section 5 (c), 7 and 8 of the Administrative Procedure Act and these amendments shall be in full force and effect on and after Dec. 11, 1946:

1. Section 1.10-20 *Marine Inspection Districts and Offices* is amended by changing the title "Hearing Officer" to "Senior Investigating Officer" in subparagraph (b) (2).

2. Part 1 is amended by adding a new § 1.50-40 reading as follows:

§ 1.50-40 *Examiners.* Examiners are hereby delegated final authority to conduct hearings required in the adjudication of cases involving suspension or revocation of licenses or certificates under 46 U. S. C. 239 and shall render initial decisions based upon the facts adduced at the hearings. In the case of an appeal from the decision of an examiner, except in case of willfulness or that in which public health, interest, or safety requires otherwise, the examiner who conducted the hearing and rendered the decision appealed from, or his successor, is hereby delegated the authority to issue a temporary license or certificate of the same type and character as that suspended or revoked by his decision, which shall be effective for a definite period of time, with right of extension if necessary, or until a final determination of the appeal is made, whichever occurs first.

(Sec. 3, Pub. Law 404, 79th Cong.; 60 Stat. 238; Reorg. Plan No. 3 of 1946, 11 F. R. 7875)

[SEAL] J. F. FARLEY,
Admiral, U. S. C. G.,
Commandant.

[F. R. Doc. 46-20983; Filed, Nov. 29, 1946; 8:56 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary of the Interior

[Order 2277]

PART 4—DELEGATIONS OF AUTHORITY

BUREAU OF LAND MANAGEMENT

1. The following subparagraphs are added to paragraph (a) of § 4.275 *Functions with respect to various statutes* (11 F. R. 9080, 11816, 12952):

(41) Approval of any sale or contract for the sale of timber under the act of September 27, 1944 (58 Stat. 745; 50 U. S. C. App. 1601-1603).

(42) Approval of any sale or contract for the sale of timber involving the disposal of an estimated stumpage volume of not to exceed 40,000,000 feet board measure and the readjustment of stumpage rates under such contract, under the act of April 12, 1926 (44 Stat. 242; 16 U. S. C. 616).

(43) Approval of any sale or contract for the sale of timber involving the disposal of an estimated stumpage volume of not to exceed 40,000,000 feet board measure under the act of March 4, 1913 (37 Stat. 1015), as amended by the act of July 3, 1926 (44 Stat. 890; 16 U. S. C. 614, 615), and as supplemented by the act of September 20, 1922 (42 Stat. 857; 16 U. S. C. 594).

(44) Approval of any sale or contract for the sale of timber involving the disposal of an estimated stumpage volume of more than 15,000,000 but not to exceed 40,000,000 feet board measure and the readjustment of stumpage rates under such contract, under the act of August 28, 1937 (50 Stat. 874).

2. The following section is added to Part 4:

§ 4.341 *Functions with respect to timber sale contracts involving Oregon and California Revested Lands.* The Chief Forester, Oregon and California Revested Lands Administration, may approve any sale or contract for the sale of timber involving the disposal of an estimated stumpage volume of not to exceed 15,000,000 feet board measure, and the readjustment of stumpage rates under such contract, under the act of August 28, 1937 (50 Stat. 874).

OSCAR L. CHAPMAN,
Acting Secretary of the Interior.

NOVEMBER 20, 1946.

[F. R. Doc. 46-20986; Filed, Nov. 29, 1946; 8:56 a. m.]

Chapter I—Bureau of Land Management

PART 50—ORGANIZATION AND PROCEDURE

LIST OF DELEGATIONS

CROSS-REFERENCE: For delegation of authority to the Director of the Bureau of Land Management and to the Chief Forester, Oregon and California Revested Lands Administration, with respect to sale of timber, see Subtitle A, Part 4, of this title, *supra.*

TITLE 46—SHIPPING

Chapter I—Coast Guard: Inspection and Navigation

Subchapter A—Procedures Applicable to the Public

PART 1—GENERAL COURSE AND METHODS

GENERAL FLOW OF FUNCTIONS

Section 1.01 (11 F. R. 177A-81) is amended by changing the title "Hearing Officer" to "Senior Investigating Officer" in paragraph (a) and by adding a new paragraph (c) reading as follows:

§ 1.01 *General flow of functions.* * * *

(c) The course and method by which proceedings looking to the revocation or suspension of licenses and certificates are channeled begins with the preferment by the investigating officer of charges, and specifications thereunder, against the holder of the license or certificate. Then follows the hearing by the examiner and his decision on the basis of the law and the evidence adduced at the hearing. The examiner issues his findings and order in each case, which are then filed with the Merchant Marine Investigating Unit for information and forwarding through the following channels for their information: Officer in Charge, Marine Inspection, Marine Inspection Officer on the Staff of the Coast Guard District Commander, and the District Commander. From the latter officer the chain is to the Chief of the Merchant Marine Personnel Division within the Office of Merchant Marine Safety at Headquarters. In most administrative cases the channel ends at that point. However, in the cases of appeals, the notice of appeal with supporting papers is filed with the Coast Guard District Commander of the district in which the hearing was held, if within the United States or its possesssions, who transmits the notice of appeal with supporting papers, if any, and a complete transcript of the record in the case to the Commandant. In foreign ports the examiner files his findings and order with the Merchant Marine Detail for information and from there the record in the case is forwarded to the Commandant. Appeals from decisions of examiners in foreign ports are filed with the Coast Guard District Commander in the district in which the person first arrives in the United States. The Coast Guard District Commander immediately forwards the appeal to the Commandant.

PART 4—INVESTIGATIONS AND HEARINGS [1]

CASUALTIES AND ACCIDENTS AND DISCIPLINARY PROCEEDINGS

1. Section 4.01-60 *Preferring charges* is amended by changing the title "examining officer" to "investigating officer" in the last sentence.

2. Section 4.05-1 *General* is amended by changing the title "examining officer" to "investigating officer" and "hearing officer" to "examiner" in paragraphs (a) and (b), and by changing the name "Merchant Marine Hearing Unit" to "Merchant Marine Investigating Unit" in paragraph (a).

[1] 11 F. R. 177A-86.

3. Part 4 is amended by adding a new § 4.05–3 reading as follows:

§ 4.05–3 *Examiner's responsibilities.* (a) The examiners are designated by the Commandant to conduct hearings necessary in the adjudication of disciplinary cases arising under 46 U. S. C. 239 and are under the administrative control of that officer. The examiners are responsible for the conduct of hearings and shall observe all rules and regulations promulgated by the Commandant as amended from time to time. The examiners shall render their decisions as soon as possible after the hearing is closed.

(b) The examiners shall be responsible for the preparation and forwarding of reports of hearings and the administrative work relating thereto, and shall have access to facilities and temporary use of personnel at such times and places as are needed in the prompt dispatch of official business.

(c) The examiners shall perform no duties inconsistent with or which will interfere with their duties and responsibilities as examiners. Any additional duties for examiners shall be assigned by the Commandant.

(d) An examiner is prohibited from consulting with anyone concerning "any fact in issue" involved in the case, unless, after notice, all parties are permitted to participate. He may not informally obtain advice or opinions from the parties or their counsel or from any officer or employee of the Coast Guard as to the weight or interpretation to be given to the evidence. If, as the hearing develops, the examiner realizes that the evidence adduced must be analyzed by experts, he may request the holder of the license or certificate involved, or the investigating officer, to produce the necessary experts to give their views as witnesses. The examiner may, however, informally obtain advice on matters of law or agency policy from officers or employees of the Coast Guard who were not "engaged in the performance of investigative or prosecutive functions" in that or a factually related case. This limitation does not apply to the Commandant, and the examiner may at any time consult with and obtain instructions from him on questions of law and policy.

4. Section 4.05–5 *Investigations* is amended by changing the title "examining officer" to "investigating officer."

5. Section 4.05–20 *Hearings* is amended by changing the title "examining officer" to "investigating officer," and "hearing officer" to "examiner," in paragraphs (a) and (b); by changing the name "Merchant Marine Hearing Unit" to Merchant Marine Investigating Unit" in paragraph (a); and by amending the last sentence of paragraph (b) to read as follows:

§ 4.05–20 *Hearings.* * * *

(b) * * * The testimony at the hearing shall be taken down by a reporter and later transcribed.

6. Section 4.05–35 is amended to read as follows:

§ 4.05–35 *Appeals.* Within 30 days an appeal may be made from the decision of the examiner to the Commandant. This appeal shall be made in writing and filed with the Coast Guard District Commander in accordance with the procedures in §§ 136.107 or 136.112 of this chapter.

Subchapter K—Seamen

PART 136—"A" MARINE INVESTIGATION BOARD RULES

TEMPORARY WARTIME RULES GOVERNING INVESTIGATIONS OF ACCIDENTS OR CASUALTIES

1. Sections 136.104 (b), (d) and (e), and 136.106 (a) and (e) are amended by changing the title "examining officer" to "investigating officer."

2. Section 136.106 (b) and (c) is amended to read as follows:

§ 136.106 *Suspension or revocation proceedings.* * * *

(b) To institute such proceedings the investigating officer shall prepare charges and specifications and serve the same upon the holder of the license or certificate involved, and at the same time he shall furnish the appropriate examiner with a copy of such charges and specifications, and transmit the case for hearing by the examiner. The examiner shall fix the time and place of the hearing and furnish information thereof to the investigating officer who shall summon the person charged, subpoena witnesses and otherwise prosecute the case.

(c) The Commandant shall designate examiners who will conduct the hearings provided for in this section.

3. Sections 136.106 (e), (f) and (h) are amended by changing the title "hearing officer" to "examiner."

4. Section 136.107 is amended to read as follows:

§ 136.107 *Appeal.* (a) A person whose license or certificate is revoked or suspended by an examiner in a Coast Guard District may, within 30 days after the decision of the examiner take an appeal to the Commandant. This appeal to the Commandant shall be taken by filing a notice of appeal with the Coast Guard District Commander of the district in which the hearing was held. A person whose license or certificate is revoked or suspended by an examiner in a foreign port may within thirty days from the date of his arrival in the continental United States or thirty days from the date of the decision, whichever is later, take an appeal to the Commandant. This appeal to the Commandant shall be taken by filing a notice of appeal with the Coast Guard District Commander of the district in which the person first arrived in the continental United States. The notice may be prepared by the appellant or appellant's counsel. The notice shall be typewritten or written in a legible hand, shall be addressed to the Commandant and shall set forth as briefly as possible the name of the appellant, the nature of the charge, the substance of the decision of the examiner, the name of the examiner who made the decision and a statement of each separate ground for such appeal, together with a certificate from the appellant that the appeal is not taken for the purposes of delay. The appellant may file a brief or memorandum with his notice of appeal in elaboration of the matters therein set forth. The Coast Guard District Commander shall immediately transmit such notice of appeal and brief, if any, to the Commandant together with a complete transcript of the record in the case, if in his possession.

(b) The Commandant on appeal may alter or modify any finding of the examiner and may affirm, reverse or modify the order of the examiner, or he may remand the case for further hearing, but the Commandant will not consider evidence which is not a part of the record. The decision of the Commandant on appeal shall be final and shall be binding on the parties for all purposes.

(c) A complete transcript of the record will be made available to any person whose license or certificate is revoked or suspended for the purpose of taking an appeal pursuant to the provisions of this section.

(d) Any person intending to appeal from the decision of the Examiner to the Commandant may file with the examiner who rendered the decision or the Commander of the Coast Guard District in which the hearing was held a written request for a temporary license or certificate of the same type and character as that suspended or revoked by his decision. If this request is filed with the District Commander he shall immediately transmit such request to the examiner who heard the case in the event the case has not been forwarded to the Commandant, otherwise the request shall be forwarded to the Commandant. Except in the case of willfulness, or that in which public health, interest, or safety requires otherwise, the examiner or the Commandant in his discretion may issue a temporary license or certificate of the same character and legal effect as that suspended or revoked or subject to such terms and conditions as the issuing officer may prescribe except that it shall be effective for a definite period of time, which may be extended from time to time, or until the final determination of the appeal is made. The request for a temporary license or certificate and the action of the examiner or the Commandant on the request shall be made a part of the record.

5. Section 136.111 is amended by changing the expression "examining and hearing officers" to investigating officer and examiners."

6. Section 136.112 is amended to read as follows:

§ 136.112 *Appeals from decisions outside United States.* A person desiring to appeal from a decision of an examiner made under the authority of § 136.111, shall file such appeal, in the manner prescribed by § 136.107 with the Coast Guard District Commander in the district in the continental United States in which he shall first arrive. The appeal must be made within thirty days from the date of arrival, or thirty days from the date of the decision, whichever is the later.

The above amendments to the regulations describing organization and procedures are promulgated to effectuate compliance with the requirements of sections 5 (c), 7, and 8 of the Administrative Procedure Act and these amend-

ments shall be in full force and effect on and after December 11, 1946.

(R. S. 4450, as amended, 46 U. S. C. 239; and Reorg. Plan No. 3 of 1946, 11 F. R. 7875)

[SEAL] J. F. FARLEY,
Admiral, U. S. C. G.,
Commandant.

[F. R. Doc. 46-20982; Filed, Nov. 29, 1946; 8:56 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 1—RULES RELATING TO ORGANIZATION AND PRACTICE AND PROCEDURE

MISCELLANEOUS AMENDMENTS

In the matter of amendment of Part 1 of the rules and regulations.

At a meeting of the Federal Communications Commission held at its offices in Washington, D. C. on the 15th day of November 1946;

Whereas, it appears that public interest, convenience and necessity will be served by amending certain portions of Part 1 of the rules and regulations entitled "Rules Relating to Organization and Practice and Procedure" (11 F. R. 177A-393);

Now, therefore, it is ordered, That Part I of the Commission's rules and regulations entitled "Rules Relating to Organization and Practice and Procedure" be, and it is hereby, amended in the following respects effective December 2, 1946:

1. Section 1.15 is amended to read as follows:

§ 1.15 *Minute Section.* The Minute Section prepares agenda for Commission meetings; takes notes at meetings of actions on all matters and notifies appropriate sections of action taken; prepares minutes of Commission action; and maintains custody of all approved Commission minutes.

2. Section 1.31 is amended by deleting the word "Communications" from the title thereof and by deleting the third word of the text.

3. Section 1.40, Item 4, "Falsway" should read "Fallsway".

4. Section 1.40, Items 19 (starting with Garrard County) through 23, is amended to read as follows:

§ 1.40 *Location of engineering field offices and monitoring stations.* * * *

District	Address	States, etc.	Counties
19 (cont.)		Kentucky	Garrard, Grant, Greenup, Kenton, Harlan, Harrison, Jackson, Jessamine, Johnson, Knott, Knox, Laurel, Lawrence, Lee, Leslie, Letcher, Lewis, Lincoln, Madison, Magoffin, Martin, Mason, McCreary, Menifee, Montgomery, Morgan, Nicholas, Owen, Owsley, Pendelton, Perry, Pike, Powell, Pulaski, Robertson, Rockcastle, Rowan, Scott, Wayne, Whitely, Wolfe, Woodford.
		Ohio	All counties.
		Michigan	All counties except District 16.
		West Virginia	All counties except District 4.
	Suboffice, 541 Old Post Office Bldg., Cleveland 14, Ohio.		
20	328 Federal Bldg., Buffalo 3, N. Y.	New York	All except District 2.
		Pennsylvania	All except District 3.
21	609 Stangenwald Bldg., Honolulu 1, T. H.	Territory of Hawaii and outlying Pacific possessions, except Alaska and adjacent islands.	
22	P. O. Box 2987, 322-323 Federal Bldg., San Juan 13, P. R.	Puerto Rico	
		Virgin Islands	
23	P. O. Box 1421, 7-8 Shattuck Bldg., Juneau, Alaska.	Alaska.	
	Suboffice, P. O. Box 644, Anchorage, Alaska.		

5. Section 1.53 (c) is amended to read as follows:

§ 1.53 *Accounting Regulations Division.* * * *

(c) Depreciation Section which is responsible for accounting activities under section 220 (b) of the Communications Act, which states "the Commission shall, as soon as practicable, prescribe for such carriers the classes of property for which depreciation charges may be properly included under operating expenses, and the percentages of depreciation which shall be charged with respect to each of such classes of property, * * *" and related sections of the act and such orders as may be issued from time to time by the Commission; analyzes depreciation rates and charges, and changes therein filed by carriers in annual reports or in response to special orders; studies classes of property in order to prescribe those which are depreciable, non-depreciable or amortizable; and is concerned with Commission activities relating to pension plans of communication carriers.

6. Section 1.61 is amended by inserting the word "common" between "safety and" and "carrier services".

7. Section 1.72 (a), substitute the word "regarding" for the words "on the value of".

8. Section 1.75 (c) is amended to read as follows:

§ 1.75 *Common Carrier Division.* * * *

(c) Domestic Wire Section, which is responsible for all legal matters, other than rates, relating to regulation of wire telephone and wire telegraph services within the United States; conducts investigations and hearings affecting such services and prepares Commission reports, orders, rules and regulations relating to such services; reviews and makes recommendation with respect to applications for extensions and discontinuance of telephone and telegraph service, applications for merger and consolidation of domestic telephone and telegraph companies, applications for interlocking directorates, and petitions for classification of carriers; handles formal and informal complaints relating to domestic telephone and telegraph service.

9. Section 1.102 is amended to read as follows:

§ 1.102 *Reconsideration with regard to action taken under delegation of authority.* (a) Any person affected by an order, decision, or report or other action taken or made under any delegation of authority made herein may file a petition for reconsideration within 20 days after public notice is given of the action complained of, and every such petition shall be passed upon by the Commission. Appeals from action of the Motions Commissioner must be taken within 2 days in accordance with § 1.745.

(b) Within 20 days after public notice has been given of any action taken or made under any delegation of authority, either the Commission or the person making or taking such action may set it aside on their own motion.

10. Section 1.111 is amended by adding the following sentence at the end thereof:

§ 1.111 *Designation of Motions Commissioner.* * * * In the absence of the Motions Commissioner or his inability to act, the Chairman or the Acting Chairman may designate for a specified period another Commissioner to act as Motions Commissioner. During such period as all Commissioners may be absent from Washington, or otherwise unable to act, the Commission may designate for a specified period a member of the staff to exercise the authority delegated by § 1.112.

11. Section 1.112 (a) is amended to read as follows:

§ 1.112 *Authority delegated.* * * *

(a) The designation of hearing officers to preside at hearings and the time and place of such hearings.

12. Section 1.121 (a) is amended by deleting the word "or".

13. Section 1.121 (p) is amended to read as follows:

§ 1.121 *Authority delegated to Chief Engineer.* * * *

(p) For assignment from time to time of the frequency or frequencies, power, emission, and type of equipment to be employed by any experimental or development radio station, so as to provide the

maximum results from the experimentation with the minimum of interference.

14. Section 1.141 (h) is amended by adding after the word "service" "(except those listed in subparagraph (7) below)" and by adding subparagraph (7) to read as follows:

§ 1.141 *Authority delegated to Secretary.* * * *

(h) * * *

(7) Stations in the Alaskan coastal and Alaskan fixed public services.

15. Section 1.143 is amended by adding paragraph (f) to read as follows:

§ 1.143 *Authority delegated to Secretary upon securing approval of Law Department.* * * *

(f) Applications under section 212 of the Communications Act for authority to hold the position of officer or director of more than one carrier subject to the act.

16. Section 1.144 (g) is amended to read as follows:

§ 1.144 *Authority delegated to Secretary upon securing approval of the Law and Engineering Department.* * * *

(g) Applications for new, renewal or modified commercial radio operator licenses except those falling under §§ 1.141 and 1.142.

17. Section 1.145 (b) is amended to read as follows:

§ 1.145 *Authority delegated to Secretary upon securing the approval of the Law, Engineering and Accounting Departments.* * * *

(b) Applications for the aviation, ship, miscellaneous, U. S. and Alaskan coastal and marine relay services and Alaskan fixed public services, except those falling under §§ 1.121, 1.141, 1.142, and 1.144.

18. Section 1.145 (d) is amended by adding after the word "$250,000" the following: "; and all applications or requests for modification of a certificate or authorization issued under section 214 of the Communications Act where such amendment or modification involves less than a total expenditure of $250,000."

19. Section 1.145 (e) is amended to read as follows:

(e) Applications under section 214 of the Communications Act for an authorization for temporary or emergency closures or reductions of hours of telegraph offices, and for any closure, or reduction of hours, of a telegraph office at a military establishment and informal requests for authority to discontinue, reduce, or impair service filed pursuant to the provisions of §§ 63.63 through 63.66, inclusive, of this chapter.

20. Section 1.145 (f) (1) is amended to read as follows:

(1) New points of communication not already licensed to a station of the licensee at some other location and not already authorized by an outstanding construction permit;

21. Section 1.145 (g) is deleted, and § 1.145 (h) is changed to 1.145 (g), and § 1.145 (i) is changed to § 1.145 (h).

22. Section 1.204 (e) is amended by changing "Room 7266" to "Room 7226."

23. Section 1.206 (b) is amended by changing the words "by any party" to "by any person".

24. Section 1.301 is amended by adding a comma after the second word, "permits".

25. Section 1.315 (a) is amended by changing the word "inspector" to "engineer".

26. Section 1.316 (a) (1) is amended by changing the word "inspector" to "engineer".

27. Section 1.321 (e) is amended by substituting the following for the sentence preceding the colon:

§ 1.321 *Application for voluntary assignment or transfer of control; broadcast.* * * *

(e) The provisions of this section insofar as they apply to requirements for advertising in connection with applications for assignment or transfer of control shall not apply to the following cases:

28. Section 1.324 is amended by adding a new paragraph (d) to read as follows:

§ 1.324 *Application for special temporary authorization; broadcast and nonbroadcast.* * * *

(d) The purchasers of a new aircraft with factory-installed radio equipment may operate the radio station on their aircraft for a period of 30 days under Special Temporary Authority evidenced by a copy of a Certificate (F. C. C. Form No. 453B) executed by the manufacturer, dealer or distributor, the original of which has been mailed to the Commission with the formal application for station license.

29. Section 1.342 is amended by changing the title thereof to read as follows:

§ 1.342 *Filing of contracts, broadcast licensees.*

30. Section 1.365 is amended to read as follows:

§ 1.365 *Amendments of applications.* Any application may be amended as a matter of right prior to the designation of such application for hearing merely by filing the appropriate number of copies of the amendments in question duly executed. Requests to amend an application after it has been designated for hearing will be considered only upon written petition properly served upon the parties of record, and will be granted only for good cause shown. Such petition must be accompanied by the affidavit of a person with knowledge of facts as to whether or not consideration has been promised to or received by petitioner, directly or indirectly, in connection with the filing of such petition for amendment. If such consideration has been promised or received, the affidavit shall set forth in full detail all the relevant facts. After a proposed decision has been rendered with respect to an application, petitions to amend such applications will not be considered if they are not filed within 20 days after public notice is given of the proposed decision unless good cause is shown as to why it was not possible to file such petition within the period specified.

31. A new § 1.366 is added to read as follows:

§ 1.366 *Dismissals of applications.* Any application may be dismissed without prejudice as a matter of right prior to the designation of such application for hearing. Requests to dismiss an application without prejudice after it has been designated for hearing will be considered only upon written petition properly served upon all parties of record. Such petition must be accompanied by the affidavit of a person with knowledge of the facts as to whether or not consideration has been promised to or received by petitioner, directly or indirectly, in connection with the filing of such petition for dismissal of the application. Petitions to dismiss an application without prejudice will be granted only for good cause shown, but will in no event be granted after public notice has been given by the Commission of the issuance of a proposed decision proposing to deny the application in question.

32. The footnote to § 1.371 is amended by changing the word "inspector" to "engineer".

33. Section 1.373 is amended to read as follows:

§ 1.373 *Special procedure with respect to processing of standard broadcast applications.* * * *

(c) The second step performed by the classifier is to determine whether the application presents a relatively simple engineering question or whether it presents an engineering question of some complexity. If the application presents a fairly simple engineering problem such as is presented by 250 watt applications on local frequencies and applications for daytime operation only, it will be classified as a case to be put in processing line No. 1. If on the other hand it is found to present engineering questions of some complexity such as are presented by applications for nighttime operation on regional and clear channels, particularly those involving directional antennas, it will be classified as a case to be put in processing line No. 2. Where the application is for modification of a construction permit filed because of conditions imposed by the Commission at the time of the original grant, such as conditions with respect to the approval of transmitter site and antenna system it will be referred to the Civil Aeronautics Administration upon its receipt and will be acted on by the Commission as soon as approval by the Civil Aeronautics Administration is received without reference to any processing line. Where the application is for minor changes in the construction permit, such as specification of new equipment or very slight changes in the directional antenna pattern, effort will be made to handle these cases promptly upon their receipt without placing them in a processing line. Where an application for modification of a construction permit involves major changes in the original proposal requiring engineering study and such application is required by the terms of the original grant, such applications will be placed at the head of the construction permit processing line, 1 or 2 whichever

the case may be. However, wherever major changes in the original proposal are initiated by the applicant, these applications will be placed in the proper processing line in accordance with the file number of the original application for the construction permit which is sought to be modified. In no case will modifications initiated by an applicant and involving a major change be considered by the Commission prior to the time when the original application for construction permit would have been reached for consideration in the proper processing line.

34. The fifth sentence of § 1.374 is amended by adding the word "where" before "a novel question of policy".

35. Section 1.375 (a) is amended to read as follows:

§ 1.375 *Procedure with respect to amateur and commercial radio operator licenses.* (a) After an application for an amateur radio license is accepted for filing and an examination is conducted in accordance with Part 12 of this chapter, the examination is sent to Washington where it is graded by the Inspection and Operator Examination Section of the Engineering Department, and if the applicant passes, a license is issued by the Amateur License Section of the Secretary's Office.

36. Section 1.375 (b) is amended by deleting the last sentence.

37. A new § 1.377 is added to read as follows:

§ 1.377 *Reference of application to Civil Aeronautics Administration.* Applications for radio facilities which involve the erection of proposed antennas or changes in the height or location of existing antennas are referred to the Civil Aeronautics Administration for the recommendation of that agency as to whether the antenna in question constitutes a menace to air navigation.

38. Section 1.382, paragraph (c), is amended by adding the word "additional" before the words "electrical interference".

39. Section 1.384 is amended by substituting the following sentence for the last sentence thereof:

§ 1.384 *Temporary extension of station licenses.* * * * No such temporary extension shall be construed as a finding by the Commission that the operation of any radio station thereunder will serve public interest, convenience, and necessity beyond the express terms of such temporary extension of license or will in any way affect or limit the action of the Commission with respect to any pending application or proceeding.

40. Section 1.387 (a) is amended by inserting in the fourth sentence the words "in triplicate" after the words "file with the Commission."

41. Section 1.387 (b) (3) is amended by substituting for the last sentence thereof the following sentence:

§ 1.387 *Procedure when case is designated for hearing.* * * *

(b) * * *

(3) * * * Any person filing an application that is mutually exclusive with another application or applications already designated for hearing will be consolidated for hearing with such other application or applications only if the application in question is filed at least 20 days before the date on which the hearing on the prior application or applications is scheduled. If the scheduled date is changed, the date last set shall govern in determining the timeliness of an application for purposes of this subsection. If the application is filed after the 20 day period, it will be dismissed without prejudice and will be eligible for refiling only after a decision is rendered by the Commission with respect to the application or applications designated for hearing or such applications are withdrawn or dismissed.

42. A new subparagraph (4) to § 1.387 (b) is added reading as follows:

(4) In order to avail himself of the opportunity to be heard, any person named as a party pursuant to this subsection shall, within 15 days of the mailing of the notice of his designation as a party, file with the Commission, in person or by attorney, a written appearance in triplicate, stating that he will appear and present evidence on the issues specified in the notice of hearing.

43. Section 1.388 (b) is amended to read as follows:

§ 1.388 *Petitions to intervene.* * * *

(b) Any other person desiring to participate in the hearing may file a petition to intervene. The petition must set forth the interest of the petitioner in the proceedings, must show how such person's participation will assist the Commission in the determination of the issues in question, and must be accompanied by the affidavit of a person with knowledge as to the facts set forth in the petition. The Commission in its discretion may grant or deny such petition or may permit intervention by such persons limited to particular issues or to a particular stage of the proceeding.

44. Section 1.391 is amended to read as follows:

§ 1.391 *Special waiver procedure relative to broadcast applications.* (a) In the case of any broadcast applications designated for hearing, the parties may request the Commission to grant or deny the application upon the basis of the information contained in the applications and other papers specified in paragraph (b), without the presentation of oral testimony. Any party desiring to follow this procedure should execute and file with the Commission a waiver in accordance with paragraph (f) and serve copies on all other parties, or a joint waiver may be filed by all the parties. Upon the receipt of waivers from all parties to a proceeding, the Commission will decide whether the case is an appropriate one for determination without the presentation of oral testimony. If it is determined by the Commission that, notwithstanding the waivers, the presentation of oral testimony is necessary, the parties will be so notified and the case will be retained on the hearing docket. If the Commission concludes that the case can appropriately be decided without the presentation of oral testimony, the case will be removed from the hearing docket and the record will be considered as closed as of the date the waivers of all parties were first on file with the Commission.

(b) In all cases which are removed from the hearing docket in accordance with this procedure, the Commission will decide the case upon the basis of the information contained in the applications and any other papers open to public inspection on file with the Commission (as of the date the record was closed) which pertain to the applicants or applications in question. The Commission reserves the right to call upon any party to furnish any additional information which the Commission deems necessary to a proper decision. Such information shall be served upon all parties. The waiver previously executed by the parties shall be considered in effect unless within 10 days of the service of such information the waiver is withdrawn.

(c) This procedure does not in any way change the Commission's practice with respect to protests. Any party, or any member of the public, may file with the Commission any information concerning the applicant which bears upon his qualifications to operate a station in the public interest. Where such protest raises a question of substance which might affect the granting of the application the presentation of oral testimony will generally be required. If the protest is not of any substance the Commission may proceed to act upon the application without the presentation of oral testimony.

(d) In all cases where the Commission issues a decision pursuant to this procedure without holding the usual hearing, an opinion will be issued by the Commission stating its reasons for its grant or denial of the individual applications. This decision shall have the same effect as a proposed decision, and the procedure thereafter to be followed shall be the same as in the case of a proposed decision made under the regular hearing procedure.

(e) The Commission does not construe this procedure as involving any waiver by the parties of the right to appeal to the Courts from any adverse final decision of the Commission.

(f) The waiver provided for by this section shall be in the following form:

WAIVER

Name of applicant _____
Call letters _____
Docket No. _____

The undersigned hereby requests the Commission to consider its application and grant or deny it in accordance with the procedure prescribed in § 1.391 are incorporated in this waiver.

_____

45. Section 1.404 is amended by substituting in the fifth sentence the word "before" for "at".

46. Add a new § 1.510, reading as follows:

§ 1.510 *Inconsistent or conflicting applications.* When an applicant has an application pending or undecided, no other inconsistent or conflicting application filed by the same applicant, his successor or assignee, or on behalf or for the

benefit of said applicant, will be considered by the Commission.

47. Section 1.524 is amended by substituting for the last sentence thereof the following:

§ 1.524 *Application for holding interlocking offices or directorates; procedure and application form.* * * * Final action is taken by the Secretary upon securing the approval of the Law Department where Commission policy in the matter has been established, and in other cases the Commission acts upon the recommendation of the General Counsel.

48. Section 1.544 (a) (3) is amended to read as follows:

§ 1.544 *Annual financial reports.* (a) * * *

(3) Form O (wire-telegraph and ocean-cable carriers, Class A and B).

49. Section 1.544 (b) is amended by adding the words "or divisions" after the words "separate departments".

50. Section 1.545 (a) is amended by adding the word "(revised)" after FCC Form 901, and by deleting "(a)" in the first sentence.

51. The title of § 1.547 is amended to read as follows:

§ 1.547 *Reports to be filed under Part 31 of the rules and regulations.*

52. Section 1.547 is further amended by substituting the following for the first sentence before the colon: "Reports shall be filed, either periodically or upon the happening of specified events, by carriers under Part 31 of this chapter in regard to the following:"

53. Section 1.547 (e) is amended by substituting ".138 (c)" for ".138 (a)".

54. Section 1.547 (i) is amended by inserting the words "or assumption" after the word "issuance."

55. Section 1.547 (l) is amended to read as follows:

(l) 31.100:4 (c), 31.172 (b), 31.614: Disposition of amounts included in account 100.4, "Telephone plant acquisition adjustment."

56. Section 1.547 (r) is amended to read "31.2–26 (a) (b) (c)."

57. Section 1.547 (y) should be deleted.

58. Section 1.548 is amended to read as follows:

§ 1.548 *Reports to be filed under Part 33 of this chapter.* Reports shall be filed, either periodically or upon the happening of specified events, by carriers under Part 33 of this chapter in regard to the following:

59. Section 1.548 (j) is amended by substituting the words "included in account 1200, 'Plant adjustment,'" for the words "of plant acquisition adjustments."

60. Section 1.548 (k) is amended by deleting the words "units of" before the word "property."

61. Section 1.548 (n) is amended to read as follows:

(n) 33.2800 (b): Transfer of credit amounts from account 2800, "Contributions of telephone plant."

62. Section 1.549 is amended to read as follows:

§ 1.549 *Reports to be filed under Part 34 of this chapter.* Reports shall be filed, either periodically or upon the happening of specified events, by carriers under Part 34 of this chapter in regard to the following:

63. Section 1.549 (e) is amended by deleting ".4925."

64. Section 1.549 (h) is amended by substituing the words "December 31, 1939" for "January 1, 1940."

65. Section 1.549 (j) is amended to read as follows:

(j) 34.1510 (e), 34.1520 (b), 34.4920 (a), 34.5255 (a): Disposition of amounts included in account 1510, "Plant acquisition adjustments".

66. Section 1.549 (p) is amended by substituting the word "others" for "other".

67. Section 1.549 (q) is amended by substituting for the text "Transfer of credit amounts from account 2515, 'Contributions of plant'".

68. Section 1.549 (r) is amended by inserting the words "or other" after "duplicate".

69. Section 1.549 (w) is amended to read as follows:

(w) 34.1–6 (f): Disposition of balances in account 2225 and account 2230, "Leased operated plant retired", relating to each expired lease of plant from others.

70. Section 1.550 is amended to read as follows:

§ 1.550 *Reports to be filed under Part 35 of this chapter.* Reports shall be filed, either periodically or upon the happening of specified events, by carriers under Part 35 of this chapter in regard to the following:

71. Section 1.550 (e) is amended by deleting ".4925 (a)".

72. Section 1.550 (h) is amended by substituting the words "December 31, 1942" for "January 1, 1943".

73. Section 1.550 (j) is amended by substituting the words "included in account 1510, 'Plant acquisition adjustments'." for the words "of plant acquisition adjustments".

74. Section 1.550 (m) is amended by substituting the words "included in account 1545, 'Plant adjustments'." for the words "of plant adjustments".

75. Section 1.550 (r) is amended by substituting the words "credit amounts from account 2515, 'Contributions of plant'." for the words "amounts of plant contributions."

76. Section 1.550 (t) is amended by adding the words "or other" after "duplicate."

77. Add a new § 1.560, reading as follows:

§ 1.560 *Reports to be furnished regarding domestic telegraph speed of service.* The Western Union Telegraph Company shall furnish monthly reports under § 64.2 of this chapter in regard to message center speed of service and delivery routing performance—business routes on F. C. C. Forms No. 338–A and No. 339–A, respectively.

78. Section 1.592 is amended by inserting the word "as" between the words "particularity" and "to the matters".

79. Section 1.724 is amended to read as follows:

§ 1.724 *Petitions to consolidate.* (a) The Commission, upon motion, or upon its own motion, will, where such action will best conduce to the proper dispatch of business and to the ends of justice, consolidate for hearing (1) any cases which involve the same applicant or arise from the same complaint or cause, or (2) any applications which by reason of the privileges, terms, or conditions requested present conflicting claims of the same nature.

(b) Any person filing an application that is mutually exclusive with another application or applications already designated for hearing will be consolidated for hearing with such other application or applications only if the application in question is filed at least 20 days before the date on which the hearing on the prior application or applications is scheduled. If the scheduled date is changed, the date last set shall govern in determining the timeliness of an application for purposes of this paragraph.

80. The title of § 1.726 is amended to read as follows:

§ 1.726 *Reconsideration or rehearing.*

81. Add a new § 1.726 (c) to read as follows:

(c) The Commission may on its own motion set aside any action made or taken by it within 20 days after public notice is given of such action.

82. Add a new § 1.730 to read as follows:

§ 1.730 *Oppositions.* Except as otherwise provided, any opposition to a petition must be filed within 10 days after such petition is filed with the Commission.

83. Section 1.741 is amended by substituting "§ 1.112 (c)" for "§ 1.111 (c)."

84. Section 1.743 is amended by changing the next to the last word "5" to "4."

85. Section 1.803 is amended to read as follows:

§ 1.803 *Notice of hearing.* Reasonable notice of hearing will be given to all parties to a proceeding. Such notice shall include:

(a) A statement as to the time, place and nature of the hearing. Where the time and place cannot be designated in the initial notice, the notice will indicate that the time and place will be designated by subsequent notice.

(b) A statement as to the legal authority under which the hearing is to be held.

(c) A statement of the matters of fact and law involved in the hearing.

86. Section 1.821 is amended by substituting the figure "7" for "15" in the last sentence thereof.

87. Section 1.844 is amended by adding at the end of the first sentence the words "by the reporter."

88. Section 1.849 (a) is amended by substituting the words "Within 20 days after public issuance" for the words "Within 20 days from the filing".

89. Appendix No. 1 is amended by inserting a footnote after the words "LAND-

ING LICENSE ACT", the footnote to read as follows:

[1] May 27, 1921, c. 12, 42 Stat. 8 and 9.

90. Appendix No. 1 is amended by deleting the word "the" in the title before the words "operation of submarine".

(Pub. Law 404, 79th Cong.; 60 Stat. 238)

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 46-21009; Filed, Nov. 29, 1946; 8:53 a. m.]

[Order 130-K]

PART 12—RULES GOVERNING AMATEUR RADIO SERVICE

FREQUENCIES AND FREQUENCY BANDS

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 20th day of November 1946;

Whereas, by Order No. 130-A (10 F. R. 14343), dated November 14, 1945, as amended from time to time, the Commission has made available for use by amateur radio stations certain frequencies and frequency bands and types of emission; and

Whereas, §§ 12.111, 12.114, and 12.116 of the Commission's Rules and Commission Order No. 130-A, as amended by Commission Order No. 130-H, allocate the frequency bands of 3500 to 4000 kc with type A1 emission and 3850 to 4000 kc with type A3 emission for use by amateur radio stations, but Footnote 3 to § 12.111 restricts the use of such bands except pursuant and subject to the limitations and restrictions prescribed by Commission Orders; and

Whereas, the frequency bands of 3625 to 4000 kc with type A1 emission and 3850 to 4000 kc with type A3 emission are now available for use by amateur radio stations located in the Territory of Hawaii;

Now, therefore, it is ordered, That the second ordering clause of Order 130-A, as amended, be, and it is hereby further amended to read as follows:

2. (a) The following frequencies and frequency bands are available for use for amateur station operation, subject to the limitations and restrictions set forth herein:

(1) 3500 to 4000 kc. Use of this band is restricted to amateur stations as follows: 3500 to 4000 kc, using type A1 emission, to those stations located within the continental limits of the United States, the Territory of Alaska, Puerto Rico, and the Virgin Islands; 3625 to 4000 kc, using type A1 emission, to those stations located within the Territory of Hawaii; 3850 to 4000 kc, using type A3 emission, to those stations located within the continental limits of the United States, the Territory of Alaska, Puerto Rico, the Virgin Islands, and the Territory of Hawaii, and subject to the further restriction that A3 emission may be used only by an amateur station which is licensed to an amateur operator holding Class A privileges and then only when operated and controlled by an amateur operator holding Class A privileges.

(2) 7000 to 7300 kc, using type A1 emission.

(3) 14,000 to 14,400 kc, using type A1 emission, and, on frequencies 14,200 to 14,300 kc, type A3 emission, subject to the restriction that type A3 emission may be used only by an amateur station which is licensed to an amateur operator holding Class A privileges and then only when operated and controlled by an amateur operator holding Class A privileges.

(4) 27.185 to 27.455 Mc, using types A0, A1, A2, A3 and A4 emissions, and also special emissions for frequency modulation (radio-telephone transmissions and radiotelegraph transmissions employing carrier shift or other frequency modulation techniques). This band is subject to use also for operation of scientific, industrial and medical apparatus.

(5) 28.0 to 29.7 Mc, using type A1 emission.

(6) 28.5 to 29.7 Mc, using type A3 emission.

(7) 29.0 to 29.7 Mc, using special emission for frequency modulation (radiotelephone transmissions and radiotelegraph transmissions employing carrier shift or other frequency modulation techniques).

(8) 50.0 to 54.0 Mc, using types A1, A2, A3 and A4 emissions and, on frequencies 52.5 to 54.0 Mc, special emission for frequency modulation (radiotelephone transmissions and radiotelegraph transmissions employing carrier shift or other frequency modulation techniques).

(9) 144 to 148 Mc, using types A0, A1, A2, A3 and A4 emissions and special emissions for frequency modulation (radiotelephone transmissions and radiotelegraph transmissions employing carrier shift or other frequency modulation techniques). The portion of this band between 146.5 and 148 Mc shall not be used, however, by any amateur station located within 50 miles of Washington, D. C., Seattle, Washington, or Honolulu, T. H.

(10) 235 to 240 Mc, using types A0, A1, A2, A3 and A4 emissions and special emissions for frequency modulation (radiotelephone transmission and radiotelegraph transmissions employing carrier shift or other frequency modulation techniques).

(11) 420 to 430 Mc, using types A0, A1, A2, A3, A4 and A5 emissions, and special emissions for frequency modulation (radiotelephone transmissions and radiotelegraph transmissions employing carrier shift or other frequency modulation techniques). Peak antenna power shall not exceed 50 watts.

(12) 1215 to 1295 Mc, 2300 to 2450 Mc, 3300 to 3500 Mc, 5650 to 5850 Mc, 10,000 to 10,500 Mc, 21,000 to 22,000 Mc, and any frequency or frequencies above 30,000 Mc, using on these frequencies types A0, A1, A2, A3, A4 and A5 emissions, special emissions for frequency modulation (radiotelephone transmissions and radiotelegraph transmissions employing carrier shift or other frequency modulation techniques), and pulse emissions.

(b) No frequencies or types of emission other than those assigned in this order shall be used for amateur operation.

It is further found and ordered, That, whereas, authority for the release of the frequency bands of 3625 to 4000 kc with type A1 emission and 3850 to 4000 kc with type A3 emission for use by amateur stations located in the Territory of Hawaii is contained in sections 303 (b), (c) and (r) of the Communications Act of 1934, as amended, and such release relieves an existing restriction and is non-controversial, and it is in the public interest that these frequency bands should be in use by amateur stations located in the Territory of Hawaii as soon as possible, notice and public procedure required by section 4 of the Administrative Procedure Act are, hereby, found unnecessary, and this order should be, and is hereby, made effective at 4:00 p. m., Eastern Standard Time, November 20, 1946.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 46-21010; Filed, Nov. 29, 1946; 8:54 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

Subchapter B—Carriers by Motor Vehicle

PART 187—FREIGHT RATE TARIFFS, SCHEDULES AND CLASSIFICATIONS

TARIFF INDEXES, POSTPONEMENT OF EFFECTIVE DATE

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D. C., on the 18th day of November A. D. 1946.

Rule 18 of Tariff Circular MF No. 3 being under consideration, and good cause appearing therefor:

It is ordered, That the effective date of Rule 18 of Tariff Circular MF No. 3 (§ 187.42) be, and it is hereby, postponed from January 1, 1947, until January 1, 1948.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 46-20994; Filed, Nov. 29, 1946; 8:52 a. m.]

Notices

TREASURY DEPARTMENT.

Bureau of Customs.

[192-36.3]

BAUDETTE MUNICIPAL AIRPORT, BAUDETTE, MINN.

NOTICE OF PROPOSED DESIGNATION AS AN AIRPORT OF ENTRY FOR ONE YEAR

Notice is hereby given that, pursuant to authority contained in section 7 (b) of the Air Commerce Act of 1926 (49 U. S. C. 177 (b)), it is proposed to designate the Baudette Municipal Airport, Baudette, Minnesota, as a temporary airport of entry for civil aircraft and merchandise carried thereon arriving from places

outside the United States, as defined in section 9 (b) of said act (49 U. S. C. 179 (b)), for a period of 1 year from January 1, 1947; and it is further proposed to amend the list of temporary airports of entry in § 6.13, Customs Regulations of 1943 (19 CFR, Cum. Supp., 6.13), as amended, to show such designation.

This notice is published pursuant to section 4 of the Administrative Procedure Act (Public Law 404, 79th Congress). Data, views, or arguments with respect to the proposed designation of the above-mentioned airport as an airport of entry may be addressed to the Commissioner of Customs, Bureau of Customs, Washington 25, D. C., in writing. To assure consideration of such communications, they must be received in the Bureau of Customs not later than 20 days from the date of publication of this notice in the FEDERAL REGISTER.

[SEAL] O. MAX GARDNER,
Acting Secretary of the Treasury.

NOVEMBER 21, 1946.

[F. R. Doc. 46-21008; Filed, Nov. 29, 1946; 8:52 a. m.]

DEPARTMENT OF JUSTICE.

Office of Alien Property.

[Vesting Order 7326, Amdt.]

LOUISE GEIB

In re: Estate of Louise Geib, deceased. File No. D-28-9502; E. T. sec. 12861.

Vesting Order Number 7326, dated July 31, 1946, is hereby amended as follows and not otherwise:

By deleting the words "Kings County", wherever they appear in said vesting order, and substituting therefor the words "Queens County."

All other provisions of said Vesting Order Number 7326 and all action taken on behalf of the Alien Property Custodian in reliance thereon, pursuant thereto and under authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on October 10, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-21045; Filed, Nov. 29, 1946; 8:51 a. m.]

[Vesting Order 7768]

PETER PALKO

In re: Estate of Peter Palko, deceased. File No. 017-19773.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

That the property described as follows: The sum of $400.00 cash,

is property in the possession of the Alien Property Custodian.

That such property was held by Mary Palko, Executrix of the Estate of Peter Palko, and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, nationals of a designated enemy country, Hungary, namely,

Nationals and Last Known Address

Rose Palkoff, Hungary.
"Jane" Palkoff (true first name unknown), Hungary.

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Hungary);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm and ratify the vesting of the said property in the Alien Property Custodian by acceptance thereof on June 6, 1946, pursuant to the Trading with the Enemy Act, as amended.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 30, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-21030; Filed, Nov. 29, 1946; 8:49 a. m.]

[Vesting Order 7769]

ALEXANDER EDMUND REINER

In re: Trust under the last will and testament of Alexander Edmund Reiner, also known as Alexander E. Reiner, as A. E. Reiner, and as Alex E. Reiner, D-28-10788; E. T. sec. 15131.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Maria Reiner, in and to the Trust created under the last will and testament of Alexander Edmund Reiner, also known as Alexander E. Reiner, as A. E. Reiner, and as Alex E. Reiner, deceased,

is property payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National and Last Known Address

Maria Reiner, Germany.

That such property is in the process of administration by the Wells Fargo Bank and Union Trust Co., as Trustee, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of San Mateo,

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

The term "national" as used herein shall have the meaning prescribed in Section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 30, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-21031; Filed, Nov. 29, 1946; 8:49 a. m.]

[Vesting Order 7797]

ROSA KUBBERNUS

In re: Estate of Rosa Kubbernus, also known as Rosa Wilhemina Kubbernus, deceased. D-28-10066; E. T. sec. 14314.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned after investigation, finding:

That the property described as follows: Cash in the amount of $460.89 is property in the possession of the Alien Property Custodian:

That such property was held by William H. Grootemaat, Executor of the Estate of Rosa Kubbernus, also known as Rosa Wilhemina Kubbernus, and was property within the United States owned

or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Bertha Altdorf, Germany.
Ferdinand Piepkorn, Germany.
Alvina Piepkorn, marriage name unknown, Germany.
Emilia Radatsky, Germany.
William Piepkorn, Germany.
Augusta Piepkorn, marriage name unknown, Germany.
Frank Piepkorn, Germany.
Martha Grosskopf, Germany.
Emma Lehmann, Germany.
Ida Piepkorn, marriage name unknown, Germany.
Ida Piepkorn, Germany.
Hedwig Piepkorn, Germany.
Frieda Piepkorn, Germany.
Other issue, names unknown, of Julius Piepkorn, deceased, Germany.

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm and ratify the vesting of the said property in the Alien Property Custodian by acceptance thereof on August 26, 1946, pursuant to the Trading with the Enemy Act, as amended.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C. on October 7, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-21032; Filed, Nov. 29, 1946; 8:49 a. m.]

[Vesting Order 7800]

MARIA ENGLE

In re: Estate of Maria Engle, deceased. File D-28-10322; E. T. sec. 14696.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

That the property described as follows: Cash in the amount of $89.27,

is property in the possession of the Alien Property Custodian;

That such property was held by Gottlob F. Maier, Administrator of the Estate of Maria Engle and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, a national of a designated enemy country, Germany, namely,

National and Last Known Address

Louise Maier, Germany.

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm and ratify the vesting of the said property in the Alien Property Custodian by acceptance thereof on August 21, 1946, pursuant to the Trading with the Enemy Act, as amended.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on October 9, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-21033; Filed, Nov. 29, 1946; 8:49 a. m.]

[Vesting Order 7810]

WILLIAM LIESENBEIN

In re: Trust under will of William Liesenbein, deceased. File No. D-28-10285; E. T. sec. No. 14653.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Babetta Stelzer, child of Margaret Hasselbach, deceased; Catherine Acker, child of Margaret Hasselbach, deceased; Dina Reich, child of Christian Hofmann, deceased; Katie Hofmann, child of Christian Hofmann, deceased; John Liesenbein, brother; Heinrich Liesenbein, brother; Philip Liesenbein, child of Peter Liesenbein, deceased; Bertha Liesenbein, child of Peter Liesenbein, deceased; "John" Matthies, first name "John" being fictitious, real first name being unknown, child of Anna Matthies, deceased, and their issue, names unknown, and each of them, in and to the Trust Under the Will of William Liesenbein, deceased;

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Babetta Stelzer, child of Margaret Hasselbach, deceased, and her issue, names unknown, Germany.
Catherine Acker, child of Margaret Hasselbach, deceased, and her issue, names unknown, Germany.
Dina Reich, child of Christian Hofmann, deceased, and her issue, names unknown, Germany.
Katie Hofmann, child of Christian Hofmann, deceased, and her issue, names unknown, Germany.
John Liesenbein, brother, and his issue, names unknown, Germany.
Heinrich Liesenbein, brother, and his issue, names unknown, Germany.
Philip Liesenbein, child of Peter Liesenbein, deceased, and his issue, names unknown, Germany.
Bertha Liesenbein, child of Peter Liesenbein, deceased, and her issue, names unknown, Germany.
"John" Matthies, first name "John" being fictitious, real first name being unknown, child of Anna Matthies, deceased, and his issue, names unknown, Germany.

That such property is in the process of administration by Walter C. Hildmann, as Successor Trustee of the trust under the Will of William Liesenbein, deceased, acting under the judicial supervision of the Surrogate's Court, Kings County, New York,

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be

deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on October 10, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-21034; Filed, Nov. 29, 1946; 8:49 a. m.]

[Vesting Order 7835]

KATHERINA H. BOSS

In re: Estate of Katherina H. Boss, deceased. File No. D-28-3950; E. T. sec. 6843.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

That the property described as follows: All right, title, interest and claim of any kind or character, whatsoever of Johanna Young, and Antonia Meinke, and each of them, in and to the Estate of Katherina H. Boss, deceased,

is property payable or deliverable to, or claimed by nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Johanna Young, Germany.
Antonia Meinke, Germany.

That such property is in the process of administration by the Treasurer of the City of New York, as Depositary, acting under the judicial supervision of the Surrogate's Court, Richmond County, State of New York;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on October 14, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-21035; Filed, Nov. 29, 1946; 8:49 a. m.]

[Vesting Order 7838]

ADELHEID C. CLAASSEN

In re: Estate of Adelheid C. Claassen, deceased. File No. D-28-10078; E. T. sec. No. 14337.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Eugen George Claassen, Bertram Claassen, Adelaid Helene Claassen Koelner and Margarethe Claassen, and their issue, fathers, brothers and sisters, names unknown, and each of them, in and to the estate of Adelheid C. Claassen, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Eugen George Claassen, his issue, father, brothers and sisters, names unknown, Germany.

Bertram Claassen, his issue, father, brothers and sisters, names unknown, Germany.

Adelaid Helene Claassen Koelner, her issue, father, brothers and sisters, names unknown, Germany.

Margarethe Claassen, her issue, father, brothers and sisters, names unknown, Germany.

That such property is in the process of administration by Hugh M. Dean and Adolph B. Claassen as Co-Executors of the Estate of Adelheid C. Claassen, acting under the judicial supervision of the Surrogate's Court, New York County, New York,

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on October 14, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-21036; Filed, Nov. 29, 1946; 8:49 a. m.]

[Vesting Order 7841]

ROSA MAYER HECHT

In re: Trust under the Will of Rosa Mayer Hecht, deceased. File No. D-66-1944; E. T. sec. 11167.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Meta Rosensteil, in and to the trust under the will of Rosa Mayer Hecht, deceased,

is property payable or deliverable to, or claimed by a national of a designated enemy country, Germany, namely,

National and Last Known Address

Meta Rosensteil, Germany.

That such property is in the process of administration by The Chase National Bank of the City of New York as sole surviving trustee under the will of Rosa Mayer Hecht, deceased, acting under the judicial supervision of the Surrogate's Court, New York County, State of New York;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such

property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on October 14, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-21037; Filed, Nov. 29, 1946; 8:50 a. m.]

[Vesting Order 7851]

FREDERICK OSTENDORFF

In re: Trust u/w of Frederick Ostendorff, deceased. File D-28-9969; E. T. sec. 14136.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Mathilde Ruthenburg in and to the Trust created under the Will of Frederick Ostendorff, deceased,

is property payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National and Last Known Address

Mathilde Ruthenburg, Germany.

That such property is in the process of administration by the Provident Trust Company, Louis H. Schmidt, and Mrs. Minna Schmidt, as Trustees, acting under the judicial supervision of the Ocean County Orphans' Court, Toms River, New Jersey:

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on October 14, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-21038; Filed, Nov. 29, 1946; 8:50 a. m.]

[Vesting Order 7857]

MARTHA SCHOLZ

In re: Estate of Mrs. Martha Scholz, deceased. File No. D-28-10480; E. T. sec. 14900.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Martha Gudat Laidl, Heinz Gudat and Elfreda Gudat, and each of them, in and to the estate of Mrs. Martha Scholz, deceased,

is property payable or deliverable to, or claimed by nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Martha Gudat Laidl, Germany.
Heinz Gudat, Germany.
Elfreda Gudat, Germany.

That such property is in the process of administration by Hugo Lerchner and Johanna Lerchner, as Executors, acting under the judicial supervision of the Surrogate's Court of Schenectady County, New York;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on October 14, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-21039; Filed, Nov. 29, 1946; 8:50 a. m.]

[Vesting Order 7863]

CECILE WARDEN

In re: Trust u/w of Cecile Warden, deceased. File D-57-70; E. T. sec. 3967.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Elena Novacescu and Personal representatives, heirs, next-of-kin, legatees and distributees, names unknown, of Filoftea Florian, deceased, and each of them, in and to the trust created under the will of Cecile Warden, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Rumania, namely,

Nationals and Last Known Address

Elena Novacescu, Rumania.
Personal representatives, heirs, next-of-kin, legatees and distributees, names unknown, of Filoftea Florian, deceased, Rumania.

That such property is in the process of administration by Guaranty Trust Company of New York and Clarence A. Warden, as trustees, acting under the judicial supervision of Orphans' Court of Philadelphia County, Pennsylvania;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Rumania);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

The terms "national" and "designated enemy country" as used herein shall have

the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on October 14, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-21040; Filed, Nov. 29, 1946; 8:50 a. m.]

[Vesting Order 7864]

MARTHA WATLINGER

In re: Trust under the last will and testament of Martha Watlinger, deceased. File No. D-28-10282; E. T. sec. No. 14650.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned after investigation, finding:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Martha Reinhardt, and her issue, names unknown, and each of them, in and to the Trust created under the Will of Martha Watlinger, deceased,

is property payable or deliverable to, or claimed by nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Martha Reinhardt, and her issue, names unknown, Germany.

That such property is in the process of administration by Leon De Groot, and Charlotte Leutz, as Trustees of the Trust created under the Last Will and Testament of Martha Watlinger, deceased, acting under the judicial supervision of the Surrogate's Court, Bronx County, State of New York;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on October 14, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-21041; Filed, Nov. 29, 1946; 8:50 a. m.]

[Vesting Order 7865]

MICHAEL WINBURN

In re: Trust under the will of Michael Winburn, deceased. File No. D-28-6636; E. T. sec. 4876.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Rosanna Hahn, in and to the trust created under the Will of Michael Winburn, deceased,

is property payable or deliverable to, or claimed by a national of a designated enemy country, Germany, namely,

National and Last Known Address

Rosanna Hahn, Germany.

That such property is in the process of administration by City Bank Farmers Trust Company of New York City and Hattie O. Wyckoff, as trustee under the Last Will and Testament of Michael Winburn, deceased, acting under the judicial supervision of the Surrogate's Court, New York County, State of New York,

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on October 14, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

F. R. Doc. 46-21042; Filed, Nov. 29, 1946; 8:50 a. m.]

[Vesting Order 7866]

S. A. BANCADION

In re: Stock owned by S. A. Bancadion. File F-28-8364-D-1.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That S. A. Bancadion, whose last known address is 7 Gaufhausgasse, Basel, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Thirty-six shares of $25 par value common capital stock of Submarine Signal Company, 160 State Street, Boston, Massachusetts, a corporation organized under the laws of the State of Maine, evidenced by Certificate Number 4772, and registered in the name of S. A. Bancadion, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in Section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on October 14, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-21043; Filed, Nov. 29, 1946; 8:50 a. m.]

[Vesting Order 7902]

KATHERINE TODA

In re: Bond owned by Katherine Toda.

Under the authority of the Trading With the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Katherine Toda, whose last known address is 7 Aobacho, Shibuya-Ku, Tokyo, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: One (1) United States Savings Bond, due September, 1946, of $1,000 face value, bearing the number M313762B, registered in the name of Katherine Toda and presently in the custody of Martha Toda, 19 Compton Street, New Haven 11, Connecticut, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on October 14, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-21044; Filed, Nov. 29, 1946; 8:51 a. m.]

[Vesting Order 7573]

SHIGEZO MATSUMOTO

In re: Stock owned by Shigezo Matsumoto. F-39-4675-D-1, F-39-4675-D-2, F-39-4675-D-3.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Shigezo Matsumoto, whose last known address is Higashi, Matsuemura, Kaisogun, Wakayama, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: a. One hundred (100) shares of $.01 par value capital stock of Mother Lode Coalition Mines Company, 120 Broadway, New York 5, New York, a corporation organized under the laws of the State of Delaware, evidenced by certificate numbered 93587, and registered in the name of Shigezo Matsumoto, together with all declared and unpaid dividends thereon,

b. One hundred (100) shares of no par value common capital stock of American & Foreign Power Company, Inc., 2 Rector Street, New York 6, New York, a corporation organized under the laws of the State of Maine, evidenced by certificate numbered 68637, and registered in the name of Shigezo Matsumoto, together with all declared and unpaid dividends thereon, and

c. Fifty (50) shares of no par value capital stock of The New York Central Railroad Company, 466 Lexington Avenue, New York, New York, a corporation organized under the laws of the States of New York, Ohio, Illinois, Indiana, Pennsylvania and Michigan, evidenced by certificate numbered L229896, and registered in the name of Shigezo Matsumoto, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 5, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-21016; Filed, Nov. 29, 1946; 8:46 a. m.]

[Vesting Order 7575]

S. MINOKOSHI

In re: Bonds owned by and debt owing to S. Minokoshi. F-39-482-A-1.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That S. Minokoshi, whose last known address is 722-2 Itsukaichi Cho, Sakeki-gun, Hiroshima, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: a. Six Oriental Development Co., Ltd., External Guaranteed Debenture Gold 6% bonds, due 1953, each of $1000 face value, bearing the numbers 8347, 8348 and 10959 through 10962 inclusive, issued in the name of bearer, presently in the custody of the Superintendent of Banks of the State of New York, as Liquidator of the Business and Property in New York of Yokohama Specie Bank, Ltd., 80 Spring Street, New York, New York, together with any and all rights thereunder and thereto,

b. Ten Tokyo Electric Light Co., 6% bonds, due 1953, each of $1000 face value, bearing the numbers 10199, 10732, 31158, 49333, 49334, 52022, 57126, 58503, 69813 and 69814, issued in the name of bearer, presently in the custody of the Superintendent of Banks of the State of New York, as Liquidator of the Business and Property in New York of Yokohama Specie Bank, Ltd., 80 Spring Street, New York, New York, together with any and all rights thereunder and thereto, and

c. That certain debt or other obligation owing to S. Minokoshi by the Superintendent of Banks of the State of New York, as Liquidator of the Business and

Property in New York of Yokohama Specie Bank, Ltd., 80 Spring Street, New York, New York, in the amount of $180.00, as of December 31, 1945, arising out of a collection after closing-safekeeping account, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy conutry (Japan);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 5, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-21017; Filed, Nov. 29, 1946; 8:46 a. m.]

[Vesting Order 7638]

ELIZABETH RITZ

In re: Estate of Elizabeth Ritz, deceased. File D-28-9899; E. T. sec. 14000.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Lina Wolff and the heirs at law, names unknown, of Elizabeth Ritz, deceased, and each of them, in and to the estate of Elizabeth Ritz, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Lina Wolff, Germany.
Heirs at law, names unknown, of Elizabeth Ritz, deceased, Germany.

That such property is in the process of administration by John T. Dempsey, as Public Administrator, acting under the judicial supervision of the Probate Court of Cook County, Chicago, Illinois.

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 18, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-21018; Filed, Nov. 29, 1946; 8:47 a. m.]

[Vesting Order 7641]

GUSTAV SCHIRMER

In re: Trusts under Will of Gustav Schirmer, deceased. File No. D-28-6623; E. T. sec 5293.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Minnie Voigt, Lillie A. Voigt, Elsa Zeigler, Eva Erler, Dorothy Barth and Hans Ziegler, and each of them, in and to the Trusts under the Will of Gustav Schirmer, deceased,

is property payable or deliverable to, or claimed by nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Addresses

Minnie Voigt, Germany.
Lillie A. Voigt, Germany.
Elsa Ziegler, Germany.
Eva Erler, Germany.
Dorothy Barth, Germany.
Hans Ziegler, Germany.

That such property is in the process of administration by the Bankers Trust Company, as Substituted Trustee under the Will of Gustav Schirmer, deceased, for the benefit of Minnie Voigt and Elsa Ziegler, acting under the judicial supervision of the Surrogate's Court, New York County, State of New York;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 18, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-21019; Filed, Nov. 29, 1946; 8:47 a. m.]

[Vesting Order 7649]

OTTO VETTER

In re: Trust under the will of Otto Vetter, deceased. File No. D-28-10275; E. T. sec. 14639.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended,

and pursuant to law, the undersigned, after investigation, finding:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Heinrich Vetter, Rudolph Vetter, Louise Vetter, Barbara Fehr, the issue of Heinrich Vetter, names unknown, the issue of Rudolph Vetter, names unknown, the issue of Louise Vetter, names unknown, and the issue of Barbara Fehr, names unknown, and each of them, in and to the Trust created under the Will of Otto Vetter, deceased,

is property payable or deliverable to, or claimed by nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Heinrich Vetter, Germany.
Rudolph Vetter, Germany.
Louise Vetter, Germany.
Barbara Fehr, Germany.
The issue of Heinrich Vetter, names unknown, Germany.
The issue of Rudolph Veter, names unknown, Germany.
The issue of Louise Vetter, names unknown, Germany.
The issue of Barbara Fehr, names unknown, Germany.

That such property is in the process of administration by Marvel S. Platoff, as Executor and Trustee of the Trust created under the Will of Otto Vetter, deceased, acting under the judicial supervision of the Bergen County Orphans' Court, Hackensack, New Jersey;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 18, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46–21020; Filed, Nov. 29, 1946; 8:47 a. m.]

[Vesting Order 7654]

HENRY WEYMANN

In re: Trust under the will of Henry Weymann, deceased. File No. D–28–4169; E. T. sec. 7716.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

That the property described as follows: All right, title, interest, and claim of any kind or character whatsoever of Paula Weymann, Alex Runge, and heirs at law, names unknown, of Alex Runge, and each of them, in and to the trust estate created under the will of Henry Weymann, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Paula Weymann, Germany.
Alex Runge, Germany.
Heirs at law, names unknawn, of Alex Runge, Germany.

That such property is in the process of administration by the Conqueror Trust Company, Joplin, Missouri, and Allen McReynolds, 147 East Third Street, Carthage, Missouri, as co-trustees of the Trust under the Will of Henry Weymann, deceased, acting under the judicial supervision of the Circuit Court of Jasper County, Missouri;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 18, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46–21021; Filed, Nov. 29, 1946; 8:47 a. m.]

[Vesting Order 7692]

EVA ARRASMITH ET AL.

In re: Eva Arrasmith vs. Anna Mueller et al. File D–28–9840; E. T. sec. 13867.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

That the property described as follows: The sum of $2,065.40 which is in the possession and custody of the Sheriff of Hamilton County, Ohio, Depositary, pursuant to Entry Confirming Return of the Sheriff, Report of the Commissioners, Election to Take and Ordering Deed by Court of Common Pleas, Hamilton County, Ohio on June 17, 1946 in the Partition suit entitled "Eva Arrasmith vs. Anna Mueller et al" No. A 88991, subject to any lawful fees and disbursements of the Sheriff of Hamilton County, Ohio.

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

National and Last Known Address

Anna Mueller, Germany.
George Kaufmann, Germany.
Frederick K. Kaufmann a/k/a Fritz Kaufmann, Germany.
Hans Kaufman a/k/a Johann Kaufmann, Germany.

That such property is in the process of administration by Sheriff of Hamilton County, Ohio, Cincinnati, Ohio, Depositary, acting under the judicial supervision of the Court of Common Pleas, Hamilton County, Ohio,

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Prop-

erty Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

The term "national" as used herein shall have the meaning prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 25, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-21022; Filed, Nov. 29, 1946; 8:47 a. m.]

[Vesting Order 7698]

GEORGE FRANK

In re: Estate of George Frank, deceased. File No. D-28-10020; E. T. sec. 14219.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of George Mackensen, Marie Mackensen and her issue, names unknown, Rolf Wessel, and Elsa Wessel and her issue, names unknown, and each of them, in and to the Estate of George Frank, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

George Mackensen, Germany.
Marie Mackensen and her issue, names unknown, Germany.
Rolf Wessel, Germany.
Elsa Wessel and her issue, names unknown, Germany.

That such property is in the process of administration by Paul G. Gravenhorst as Executor, acting under the judicial supervision of the Bergen County Orphans' Court, Hackensack, New Jersey,

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 25, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-21023; Filed, Nov. 29, 1946; 8:47 a. m.]

[Vesting Order 7699]

JOHN L. GERDES

In re: Estate of John L. Gerdes, deceased. File D-28-9005; E. T. sec. 11425.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

That the property described as follows: Cash in the amount of $2,679.36 is property in the possession of the Alien Property Custodian;

That such property was held by Fred Gerdes, Administrator of the Estate of John L. Gerdes and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Fred Gerdes, Germany.
Folke (Mrs. Jelde) Gerdes Josten, Germany.

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm and ratify the vesting of the said property in the Alien Property Custodian by acceptance thereof on September 11, 1945, pursuant to the Trading with the Enemy Act, as amended.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 25, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-21024; Filed, Nov. 29, 1946; 8:48 a. m.]

[Vesting Order 7703]

IDA A. HIGGINSON

In re: Trust u/w of Ida A. Higginson, deceased. File No. D-28-4187; E. T. sec. 7200.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Konrad Eichhorn, Marie Eichhorn and Mieze Eichhorn, in and to the trust created under the will of Ida A. Higginson, deceased,

is property payable or deliverable to, or claimed by nationals of a designated enemy country. Germany, namely,

Nationals and Last Known Address

Konrad, Eichhorn, Germany.
Marie Eichhorn, Germany.
Mieze Eichhorn, Germany.

That such property is in the process of administration by Charles F. Adams, Harvey H. Bundy and John L. Hall, cotrustees under the will of Ida A. Higginson, deceased, acting under the judicial supervision of the Court of Probate in Suffolk County, Massachusetts;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indi-

cate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

The term "national" as used herein shall have the meaning prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 25, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-21025; Filed, Nov. 29, 1946; 8:48 a. m.]

[Vesting Order 7716]

CLARA SCHMIDT

In re: Estate of Clara Schmidt, deceased. File No. D-28-9643; E. T. sec. 13379.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

That the property described as follows: Cash in the amount of $100.00,

is property in the possession of the Alien Property Custodian;

That such property was held by Francis E. Luthmers, attorney for C. Ferdinand Ratzel, executor of the Estate of Clara Schmidt and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, a national of a designated enemy country, Germany, namely,

National and Last Known Address

Ottillie Tesch, Germany.

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm and ratify the vesting of the said property in the Alien Property Custodian by acceptance thereof on August 21, 1946, pursuant to the Trading with the Enemy Act, as amended.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 25, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-21026; Filed, Nov. 29, 1946; 8:48 a. m.]

[Vesting Order 7718]

ALFRED L. SETON

In re: Trust under the will of Alfred L. Seton, deceased. File No. F-28-14205; E. T. sec. 4934.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Alice von Kettler, in and to the trust created under the will of Alfred L. Seton, deceased,

is property payable or deliverable to, or claimed by a national of a designated enemy country, Germany, namely,

National and Last Known Address

Alice von Kettler, Germany.

That such property is in the process of administration by Bank of New York, as Trustee under the will of Alfred L. Seton, deceased, acting under the judicial supervision of the Supreme Court, County of New York, State of New York;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

The term "national" as used herein shall have the meaning prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 25, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-21027; Filed, Nov. 29, 1946; 8:48 a. m.]

[Vesting Order 7722]

BARBARA WEBER

In re: Estate of Barbara Weber, deceased. File No. D-28-3467; E. T. sec. 5442.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Elise (Fischer) Weigand, Luise B. Steuer, Emma Elsässer, Joseph Knopfler, Josephine Knopfler, Crescencia Nuber, Baptist Knopfler, Meinrad Knopfler, The Children of Barbara Renner, whose names are unknown, Johann Treuter, Ludwig Treuter, Michael Treuter, Kunigunda Müller, Sister Maria Felizia, Barbara Treuter, Andrew Treuter, Barbara Sperber, Hans Treuter, and each of them, in and to the Estate of Barbara Weber, deceased,

is property payable or deliverable to, or claimed by nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Elise (Fischer) Weigand, Germany.
Luise B. Steuer, Germany.
Emma Elsässer, Germany.
Joseph Knopfler, Germany.
Josephine Knopfler, Germany.
Crescencia Nuber, Germany.
Baptist Knopfler, Germany.
Meinrad Knopfler, Germany.
The children of Barbara Renner, whose names are unknown, Germany.
Johann Treuter, Germany.
Ludwig Treuter, Germany.
Michael Treuter, Germany.
Kunigunda Müller, Germany.
Sister Maria Felizia, Germany.
Barbara Treuter, Germany.
Andrew Treuter, Germany.
Barbara Sperber, Germany.
Hans Treuter, Germany.

That such property is in the process of administration by Josephine Barbara Diebold as Executrix under the Will of Barbara Weber, deceased, acting under the judicial supervision of the Surrogate's Court, Bronx County, State of New York;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the in-

terest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 25, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-21028; Filed, Nov. 29, 1946; 8:49 a. m.]

[Vesting Order 7759]

BOND & MORTGAGE GUARANTEE CO.

In re: Mortgage Certificate Number 101627, Bond & Mortgage Guarantee Company, Series 170877. File No. F-28-5367; E. T. sec. No. 5015.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

That the property described as follows: All rights and interests evidenced by Mortgage Participation Certificate Number 101627 issued and guaranteed by Bond and Mortgage Guarantee Company, Series 170877, and the rights to the transfer and possession of any and all instruments evidencing such rights and interests,

is property payable or deliverable to, or claimed by a national of a designated enemy country, Germany, namely,

National and Last Known Address

Emma Kohler, Germany.

That such property is in the process of administration by the Underwriters Trust Company as Trustee under a Declaration of Trust, dated December 4, 1936, acting under the judicial supervision of the Supreme Court, Kings County, State of New York;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

The term "national" as used herein shall have the meaning prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 30, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-21029; Filed, Nov. 29, 1946; 8:49 a. m.]

DEPARTMENT OF THE INTERIOR.

Bureau of Land Management.

ALASKA

AIR-NAVIGATION SITE WITHDRAWALS NOS. 192, 193, AND 222

Correction

In the documents appearing on page 13703 of the issue for Thursday, November 21, 1946, the following changes are made:

In Federal Register Documents 46-20593 and 46-20594, the notes should read as follows:

NOTE: Confidential status released by letter of the Secretary of the Navy, dated September 20, 1946.

In Federal Register Document 46-20595, the word "notes" in the second line of the second paragraph should read "metes".

DEPARTMENT OF COMMERCE.

Bureau of the Census.

[Foreign Commerce Statistical Decision 58]

ARTICLES PLACED ABOARD VESSELS FOR CARE AND FEEDING OF LIVESTOCK EN ROUTE TO DESTINATION

NOTIFICATION TO SHIPPERS, EXPORTERS AND OTHER INTERESTED PARTIES

NOVEMBER 18, 1946.

The following Foreign Commerce Statistical Decision 58 will become effective thirty days from this date. Shippers, exporters and other interested parties may present in writing their comments on the provisions of this decision.

Foreign Commerce Statistical Decision 43, issued August 13, 1943, provides that the Shipper's Export Declaration (Commerce Form 7525-V) and the Defense Aid (Lend-Lease) Shipper's Export Declaration (Commerce Form 7525-DA-V) will not be required for shipments of sea stores, ships' stores, vessel supplies and vessel equipment of the departing vessel.

Effective immediately, hay, straw, feed, and other appurtenances necessary to the care and feeding of livestock while en route on the ocean shall be considered part of the sea stores of the carrying vessel and the Shipper's Export Declaration will not be required for the portion consumed during the voyage.

The Shipper's Export Declaration is, however, required for that portion which will remain after the voyage and will be delivered to the consignee. Estimated quantities, values, and shipping weights may be shown on export declarations covering the residual cargo.

J. C. CAPT,
Director.

[F. R. Doc. 46-21014; Filed, Nov. 29, 1946; 8:52 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the act are issued under section 14 thereof and § 522.5 (b) of the regulations issued thereunder (August 16, 1940, 5 F. R. 2862) to the employer listed below effective as of the date specified in each listed item below.

The employment of learners under these certificates is limited to the terms and conditions as designated opposite the employer's name. These certificates are issued upon the employers' representations that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The certificates may be cancelled in the manner provided for in the regulations and as indicated on the certificates. Any person aggrieved by the issuance of the certificates may seek a review or reconsideration thereof.

Name and Address of Firm, Industry, Learner Occupations, Number of Learners, Learning Period, Learner Wage, Effective and Expiration Dates

Union College, Lincoln, Nebraska:

Print Shop; twenty (20) learners; compositor, pressman and related operations, for a learning period of 1,000 hours at 30 cents an hour for the first 500 hours and 35 cents an hour for the remaining 500 hours;

Broom Shop; twenty (20) learners; broom maker and related operations, for a learning period of 300 hours at 30 cents an hour;

Bookbindery; fifteen (15) learners; bindery worker and related operations, for a learning period of 700 hours at 30 cents an hour for the first 400 hours and

35 cents an hour for the remaining 300 hours;

effective November 13, 1946, expiring August 31, 1947.

Signed at New York, New York, this 22d day of November 1946.

PAULINE C. GILBERT,
Authorized Representative of the Administrator.

[F. R. Doc. 46-20988; Filed, Nov. 29, 1946; 8:56 a. m]

CIVIL AERONAUTICS BOARD.

TEMPORARY EXEMPTION OF NON-SCHEDULED OPERATIONS FROM CERTAIN STATUTORY PROVISIONS

NOTICE OF PROPOSED RULE MAKING AND ORAL ARGUMENT

The Civil Aeronautics Board has issued a new proposed revision of § 292.1 of the Economic Regulations concerning the operations of air carriers which do not hold a certificate of public convenience and necessity authorizing air transportation. A copy of the proposal is attached hereto.

In its revised form the regulation represents the tentative decision of the Board after a careful consideration of all comments submitted on the earlier revision proposed by the Board in May of this year and reflects a continuing study of the numerous problems which this form of air transportation presents. Despite the receipt of the many comments and particuarly because of the tentative character of these proposals, some of which at this stage do not represent unanimous conclusions by the Board, the Board has determined to afford all interested persons additional opportunity for either written comment or oral argument on the new revision.

On January 6, 1947, the Board will convene for the purpose of hearing oral argument upon the revision as now proposed. However, in view of the increasing number of persons interested in the Board's future determination of this matter it may be necessary not only to limit the amount of time which may be allotted to each participant, but also to limit the number of persons which may present oral argument. It is therefore required that each person desiring to appear in person before the Board submit in writing to the Secretary on or before December 23, 1946, notice of such desire, together with a statement specifying (1) the amount of time requested, (2) the capacity in which such person would appear, whether on his own behalf or as a representative for one or more other persons, (3) the names of all persons officially represented, if any, and (4) the respective interests of the person appearing, and each person whom he officially represents. As it may be necessary to restrict oral argument to a hearing of such interests as are not too indirect or remote, the notice to the Secretary should clearly show the immediacy of the interest involved.

Written comments or briefs may be submitted in lieu of oral argument, or in addition thereto. It is not necessary that interested parties present any comment orally before the Board for all written material submitted will receive equal consideration. All such written material should be filed with the Secretary not later than December 23, 1946.

Wherever a number of persons have common interests in connection with the proposed revision, it is urged that such interests be represented before the Board by a single spokesman, or that their common views be submitted in writing through a single document. While such procedure is merely suggested at this time, circumstance may ultimately require that this and other measures be taken to keep the proceeding within the bounds of reason and facilitate the orderly and proper disposition of the problems involved. With these objectives in mind, the Board requests that interested persons exert every effort to so organize the preparation of their views as to permit a clear and concise presentation designed to minimize duplication, confusion and irrelevancy, and directed to the speedy and judicious conclusion of the matter in question.

[SEAL] M. C. MULLIGAN,
Secretary.

Explanatory Statement of Revision of § 292.1 of the Economic Regulations

The following proposed regulation is concerned with the economic regulation of air carriers which do not hold a certificate of public convenience and necessity issued by the Civil Aeronautics Board and which, accordingly, are referred to as "non-certificated air carriers". The issuance of an air carrier operating certificate does not constitute an air carrier a "certificated air carrier", nor does any other kind of certificate except a certificate of public convenience and necessity as provided for in section 401 of the act. For information concerning applicable "safety" regulations, reference must be made to Part 42 of the Civil Air Regulations. The economic regulation hereinafter set forth below has not yet been adopted by the Board, but is being circulated to interested persons for consideration and comment.

In order to facilitate a general understanding of some of the principal features of the proposed revision, and for that limited purpose only, the following summary is offered:

Non-certificated irregular air carriers. Non-certificated irregular air carriers are non-certificated air carriers directly engaged in the air transportation of persons and property, and are divided into two groups, Group I and Group II, according to a weight classification, with exemptions for Group II being more extensive than those for Group I. Non-certificated irregular air carriers (including both groups) may engage in the interstate and overseas air transportation of both persons and property under prescribed exemptions and subject to certain conditions. Of particular importance is the requirement that such carriers are exempted by this regulation only if they do not provide or offer regular or reasonably regular air transportation between designated points. In other words, in order for these carriers to obtain the benefit of these exemptions, their air transportation must be of such irregular character as to avoid the establishment or offering of a reasonably consistent pattern of operations between any two points. For a complete discussion of the meaning which the Board attaches to the words "regularly or with a reasonable degree of regularity", reference is made to the Board's original opinion in Docket No. 1501, Investigation of Nonscheduled Air Services dated May 17, 1946.

Non-certificated air cargo carriers. Non-certificated air cargo carriers are non-certificated air carriers directly engaged in the air transportation of property only and may engage in the interstate, overseas and foreign air transportation of property under prescribed exemptions and subject to certain conditions. There is no limitation as to the routes over which such transportation may be performed, or as to the regularity of performance.

The exemption under which the interstate or overseas air transportation of property only is authorized shall remain effective and valid as to any particular carrier only until such time as the Board shall have made final disposition of all applications requesting authority to engage in such air transportation of property only which shall have been filed with the Board by that carrier prior to a specified date. With respect to the foreign air transportation of property only the exemptions under which such air transportation is authorized shall be effective and valid as to any particular carrier until the Board has finally disposed of one application filed by that carrier for a certificate authorizing the foreign air transportation of property only or until such time thereafter as the Board shall indicate in its order disposing of such application. It will be noted that in this instance there is no time limitation placed upon the filing of an application; nevertheless, such an application must be filed prior to engaging in such air transportation.

Non-certificated indirect air cargo carriers. Non-certificated indirect air cargo carriers are non-certificated air carriers indirectly engaged in the air transportation of property only (such as air freight forwarders) and may engage indirectly in the interstate, overseas and foreign air transportation of property under prescribed exemptions and subject to certain conditions. There is no limitation as to the points which may be served, or as to the regularity of such service, and such forwarding activities may be conducted in conjunction with certificated air carriers or non-certificated air carriers or both. The exemption under which such transportation is authorized shall be effective and valid only until such time as the Board shall have made final disposition of the so-called Freight Forwarder Case, Docket No. 681, et al.

Letters of temporary authority. The exemptions provided for each class of air carrier are not operative as to individual carriers within such class ex-

cept as provided for in the provisions of the regulation dealing with letters of temporary authority. Particular attention is therefore directed to such provisions. A letter of temporary authority constitutes a form of operating authority and, except as specially provided, no non-certificated air carrier may engage in any air transportation without such a letter.

The regulation is not intended to prevent an operator from holding letters of temporary authority for operations in more than one class. Thus, for example, it is possible for a non-certificated air carrier to hold simultaneously one letter of temporary authority as a non-certificated Irregular Air Carrier and another letter of temporary authority as a non-certificated Air Cargo Carrier.

Proposed Revision of § 292.1 of the Economic Regulations

(a) *Applicability of regulation.* Except as hereinafter provided, this section shall apply only to all air carriers not authorized by certificate of public convenience and necessity to engage in air transportation and whose character of service places such air carriers within one of the classes of air carriers hereinafter established and defined; and any other non-certificated air carrier which engages, directly or indirectly, in air transportation shall be deemed to be in violation of the Civil Aeronautics Act of 1938, as amended; except that this regulation shall be inapplicable to Alaskan air carriers, to operations within Alaska, and to particular non-certificated air carriers engaging in air transportation pursuant to special or individual exemptions by the Board.

(b) *Classification.* For the purpose of this regulation and any rules and regulations issued pursuant hereto, and in order to prescribe exemptions appropriate to the character of operations engaged in, the following classes of non-certificated air carriers are hereby established:

(1) *Non-certificated irregular air carriers,* further subdivided and subclassified as either:

(i) Group I, or

(ii) Group II.

(2) *Non-certificated air cargo carriers.*

(3) *Non-certificated indirect air cargo carriers.*

(c) *Definitions*—(1) *Non-certificated irregular air carriers.* Non-certificated irregular air carriers shall be defined to mean any non-certificated air carrier which directly engages in interstate or overseas air transportation of persons and property and which does not hold out to the public, expressly or by a course of conduct, that it operates one or more aircraft between designated points regularly or with a reasonable degree of regularity upon which aircraft it accepts for transportation, for compensation or hire, such members of the public as apply therefor or such express or other property as the public offers. Within the meaning of this definition a "point" shall mean any airport or place where aircraft may be landed or taken-off, and any area within a 25-mile radius of such airport or place.

(2) *Non-certificated irregular air carriers; Group I.* Non-certificated irregular air carriers, Group I shall be defined to mean any non-certificated irregular air carrier which utilizes in its air transportation services any single aircraft unit having an allowable gross take-off weight in excess of 6,000 pounds, or five or more aircraft units having an aggregate allowable gross take-off weight in excess of 25,000 pounds.

(3) *Non-certificated irregular air-carriers; Group II.* Non-certificated irregular air carriers, Group II shall be defined to mean any non-certificated irregular air carrier not falling within the definition of the non-certificated irregular air carriers, Group I.

(4) *Non-certificated air cargo carriers.* Non-certificated air cargo carriers shall be defined to mean (i) any non-certificated air carrier which directly engages in interstate or overseas air transportation of property only which shall have filed with the Board prior to a date 30 days after the effective date of this section an application for a certificate of public convenience and necessity authorizing interstate or overseas air transportation of property only, and (ii) any air carrier which directly engages in foreign air transportation of property only which shall have filed with the Board an application for a certificate of public convenience and necessity authorizing foreign air transportation of property only and which at the time of such filing did not hold a certificate of public convenience and necessity.

(5) *Non-certificated indirect air cargo carriers.* Non-certificated indirect air cargo carriers shall be defined to mean any non-certificated air carrier which indirectly engages in interstate, overseas or foreign air transportation of property only.

(d) *Exemptions*—(1) *Non-certificated irregular air carriers; Group I.* Non-certificated irregular air carriers, Group I shall be exempt, subject to the conditions and requirements hereinafter set forth, and only in respect of operations of a nature embraced within the definition set forth in paragraph (c) (1) of this section, from the following provisions of Title IV of the Civil Aeronautics Act of 1938, as amended:

(i) Section 401 (Certificate of Public Convenience and Necessity); except the provisions of subsection 401 (1) (Compliance with labor legislation);

(ii) Subsection 404 (a) (Carrier's duty, etc.);

(iii) Section 405 (Transportation of mail);

(iv) Section 406 (Rates for transportation of mail);

(v) Section 408 (Consolidation, merger, and acquisition of control); only in so far as said section would otherwise make it unlawful, without prior approval by the Board, (*a*) for any such air carrier or any person controlling any such air carrier to purchase, lease, or contract to operate the properties, or any substantial part thereof, of another non-certificated irregular air carrier, (*b*) for any such air carrier to consolidate or merge with another non-certificated irregular air carrier, and (*c*) for any such air carrier or any person controlling any such air carrier to acquire control of another non-certificated irregular air carrier;

(vi) Subsection 409 (a) (Interlocking relationships); only in so far as said section would otherwise make it unlawful, without prior approval by the Board, (*a*) for any such air carrier to have and retain an officer or director who is an officer, director, or member, or who as a stockholder holds a controlling interest, in another non-certificated irregular air carrier, (*b*) for any such air carrier, knowingly and willfully, to have and retain an officer or director who has a representative or nominee who represents such officer or director as an officer, director, or member, or as a stockholder holding a controlling interest, in another non-certificated irregular air carrier; and, in addition, to the extent that any officer or director of a Group I non-certificated irregular air carrier would, without prior approval by the Board, be in violation of any provision of subsection 409 (a) (3), by reason of any interlocking relationship with another non-certificated irregular air carrier, such relationship is hereby approved; *Provided,* That if an application for approval of an interlocking relationship in existence on the effective date of this section and involving an officer, director, or member of, or stockholder holding a controlling interest in, any Group I non-certificated irregular air carrier is filed with the Board prior to a date 30 days after the effective date of this section, such air carrier may retain such officer, director, member, or stockholder pending final disposition by the Board of said application;

(vii) Section 412 (Pooling and other agreements); only in so far as said section would otherwise require any such air carrier to file with the Board a copy or memorandum of certain contracts or agreements, or of modifications or cancellations thereof, between such air carrier and any other non-certificated irregular air carrier; *Provided, however,* That the exemption granted in this subparagraph shall not apply to contracts or agreements for pooling or apportioning earnings, losses, traffic, service, or equipment.

(2) *Non-certificated irregular air carriers; Group II.* Non-certificated irregular air carriers, Group II shall be exempt, subject to conditions and requirements hereinafter set forth, and only in respect of operations of a nature embraced within the definitions set forth in paragraph (c) (1) of this section, from the following provisions of, and requirements pursuant to, Title IV of the Civil Aeronautics Act of 1938, as amended:

(i) Section 401 (Certificate of Public Convenience and Necessity); except the provisions of subsection 401(1) (Compliance with labor legislation);

(ii) Section 403 (Tariffs);

(iii) Section 404 (Rates);

(iv) Section 405 (Transportation of mail);

(v) Section 406 (Rates for transportation of mail);

(vi) Subsection 407 (b) (Disclosure of stock ownership);

(vii) Subsection 407 (c) (Disclosure of stock ownership by Officer or Director);

(viii) Section 408 (Consolidation, Merger, and Acquisition of Control);

(ix) Subsection 409 (a) (Interlocking relationships); and, in addition, to the extent that any officer or director of any such air carrier would, without prior approval of the Board, be in violation of any provision of subsection 409 (a) (3) or subsection 409 (a) (6), such relationship is hereby approved;

(x) Section 410 (Loans and financial aid);

(xi) Section 412 (Pooling and other agreements);

(xii) Certain reporting requirements. No provision of any rule, regulation, term, condition or limitation prescribed pursuant to subsection 407 (a) (Filing of reports) shall be applicable to any group II non-certificated irregular air carrier unless such rule, regulation, terms, condition or limitation expressly provides that such provision is to be applicable to such carriers;

(xiii) Certain accounting and recording requirements. No provision of any rule, regulation, term, condition or limitation prescribed pursuant to subsection 407 (d) (Form of accounts) shall be applicable to any group II non-certificated irregular air carrier unless such rule, regulation, term, condition or limitation expressly provides that such provision is to be applicable to such carriers.

(3) *Non-certificated air cargo carriers.* Non-certificated air cargo carriers shall be exempt, subject to conditions and requirements hereinafter set forth, and only in respect of operations of a nature embraced within the definition set forth in paragraph (c) (4) of this section from the following provisions of, and requirements pursuant to, Title IV of the Civil Aeronautics Act of 1938, as amended:

(i) Section 401 (Certificate of Public Convenience and Necessity), except the provisions of subsection 401 (1) (Compliance with labor legislation);

(ii) Subsection 404 (a) (Carrier's duty, etc.);

(iii) Section 405 (Transportation of mail);

(iv) Section 406 (Rates for transportation of mail);

(v) Certain reporting requirements. No provision of any rule, regulation, term, condition or limitation prescribed pursuant to subsection 407 (a) (Filing of reports) shall be applicable to any non-certificated air cargo carrier unless such rule, regulation, term, condition or limitation expressly provides that such provision is to be applicable to such carriers; and

(vi) Certain accounting and recording requirements. No provision of any rule, regulation, term, condition or limitation prescribed pursuant to subsection 407 (d) (Form of accounts) shall be applicable to any non-certificated air cargo carrier unless such rule, regulation, term, condition or limitation expressly provides that such provision is to be applicable to such carriers.

(4) *Non-certificated indirect air cargo carriers.* Non-certificated indirect air cargo carriers shall be exempt, subject to conditions and requirements hereinafter set forth, and only in respect of operations of a nature embraced within the definitions set forth in paragraph (c) (5) of this section, from the following provisions of, and requirements pursuant to, Title IV of the Civil Aeronautics Act of 1938, as amended:

(i) Section 401 (Certificate of Public Convenience and Necessity);

(ii) Section 405 (Transportation of mail);

(iii) Section 406 (Rates for transportation of mail);

(iv) Certain reporting requirements. No provision of any rule, regulation, term, condition or limitation prescribed pursuant to subsection 407 (a) (Filing of reports) shall be applicable to any non-certificated indirect air cargo carrier unless such rule, regulation, term, condition or limitation expressly provides that such provision is to be applicable to such carriers; and

(v) Certain accounting and recording requirements. No provision of any rule, regulation, term, condition or limitation prescribed pursuant to subsection 407 (d) (Form of accounts) shall be applicable to any non-certificated indirect air cargo carrier unless such rule, regulation, term, condition or limitation expressly provides that such provision is to be applicable to such carriers.

(e) *Duration of exemption for non-certificated air cargo carriers and non-certificated indirect air cargo carriers.* As provided in this section:

(1) Each non-certificated air cargo carrier shall be exempt:

(i) With respect to operations in interstate or overseas air transportation, only until 60 days after the Board shall have made final disposition of the application or applications for the issuance of a certificate of public convenience and necessity authorizing the interstate or overseas air transportation of property only, which said application or applications shall have been filed with the Board by that carrier prior to a date 30 days after the effective date of this section; and

(ii) With respect to operations in foreign air transportation, until 60 days after the Board shall have made final disposition of any one application, or part thereof, filed with the Board by that carrier for the issuance of a certificate of public convenience and necessity authorizing the foreign air transportation of property only, and thereafter with respect to operations in foreign air transportation for which authorization has been sought by that carrier in any other application pending at the time of the hearing upon the application, or part thereof, of which final disposition has been made, in accordance with whatever provisions as to the termination or continuance of such exemption the Board shall include in the order so disposing of such application or part thereof: *Provided,* That the exemption herein referred to shall not apply to any non-certificated air cargo carrier as to which prior exemption under paragraph (d) (3) of this section has been wholly terminated pursuant to the provisions of this paragraph; and

(2) Each non-certificated indirect air cargo carrier shall be exempt only until 60 days after the Board shall have made final disposition of the pending proceeding known as the Freight Forwarder Case, Docket No. 681, et al.

(f) *Letters of temporary authority.* For the purpose of giving effect to the provisions of this regulation, and in order to facilitate the performance of the Board's duties and responsibilities under the act, there is hereby established for issuance to non-certificated irregular air carriers, non-certificated air cargo carriers and non-certificated indirect air cargo carriers a form of operating authority to be known as a "Letter of Temporary Authority". No non-certificated irregular air carrier, non-certificated air cargo carrier or non-certificated indirect air cargo carrier may engage in any air transportation pursuant to this regulation, except as hereinafter provided, unless such air carrier is specifically so authorized by an effective Letter of Temporary Authority, the issuance and operative duration of which shall be subject to the following conditions and requirements:

(1) From and after 60 days after the effective date of this regulation, no non-certificated air carrier may engage in any form of air transportation pursuant to this section unless and until there is in effect with respect to such non-certificated air carrier a letter or letters of temporary authority issued by the Board authorizing such air carrier to engage in air transportation under an appropriate exemption as non-certificated irregular air carrier, non-certificated air cargo carrier or non-certificated indirect air cargo carrier, respectively: *Provided,* That if any such air carrier, otherwise authorized to engage in air transportation pursuant to this regulation, shall file with the Board, prior to 60 days after the effective date of this regulation, an application for a letter or letters of temporary authority, such applicant may continue to engage in such air transportation until notified by the Board of the final disposition of such application.

(2) Letters of temporary authority shall be initially issued by the Board upon the filing with the Board of an application therefor, setting out the following information: (i) Date; (ii) name of carrier; (iii) mailing address; (iv) location of principal operating base; (v) if a corporation, the place of incorporation and the name and citizenship of officers and directors; (vi) if an individual or partnership, the name and citizenship of owner or partners; (vii) class of noncertificated air carrier for which a covering Letter of temporary authority is sought; (viii) if authority to operate as noncertificated irregular air carrier, Group II is sought, the types and numbers of each type of aircraft used in air carrier service. Such information as submitted shall be certified to by a responsible official of the carrier as being correct and shall be submitted in duplicate in letter form or on Form No. --, sample of which is attached and made part of this section.

(3) Letters of temporary authority shall be nontransferable and will convey no authority whatsoever to any person other than the air carrier named therein,

(4) Letters of temporary authority shall be returned to the Board immediately upon their expiration, suspension, termination or revocation.

(5) A Letter of temporary authority issued to a noncertificated air cargo carrier shall expire and be null and void:

(i) With respect to operations in interstate or overseas air transportation, 60 days after final disposition by the Board of all applications filed by the holder prior to a date 30 days after the effective date of this section for the issuance of a certificate of public convenience and necessity authorizing the interstate or overseas air transportation of property only; and

(ii) With respect to operations in foreign air transportation, 60 days after final disposition by the Board of any one application, or part thereof, filed by the holder for the issuance of a certificate of public convenience and necessity authorizing the foreign air transportation of property only, or, with respect to operations in foreign air transportation for which authorization has been sought by that carrier in any other application pending at the time of the hearing upon the application, or part thereof, of which final disposition has been made, at such time thereafter as the Board shall provide in the order so disposing of such application or part thereof.

(6) Letters of temporary authority issued to non-certificated indirect air cargo carriers shall expire and be null and void upon final disposition by the Board of the pending proceeding known as the Freight Forwarder Case, Docket No. 681 et al.

(7) Letters of temporary authority shall be subject to immediate suspension when, in the opinion of the Board, circumstances require such action in the public interest.

(8) Letters of temporary authority shall be subject to revocation, after notice and hearing, for knowing or willful violation of any provision of the Civil Aeronautics Act of 1938, as amended, or any order, rule, or regulation issued under any such provision, or any term, condition or limitation of any authority issued under said act or regulations, and, further, shall be revoked as to any air carrier or class of air carriers whenever the Board shall find that enforcement of the provision of section 401 of the act, from which exemption is provided in this section, is or would be no longer an undue burden on such air carrier or class of air carriers and is in the public interest.

(9) For the purpose of assisting in the elimination of confusion and misunderstanding on the part of the public concerning the status of certificated and non-certificated air carriers, each letter of temporary authority issued by the Board held by a non-certificated irregular air carrier shall be subject to revocation, after notice and hearing, if such air carrier uses the word "way" or the word "line," either alone or in combination with any other term or terms (as, for example, such combinations as "airways," "airlines," etc.), as part of its name under which it conducts its operations or does business with the public.

(10) Each letter of temporary authority issued to a non-certificated air carrier shall contain a brief summary statement of the character and scope of authority granted. After receipt of such letter of temporary authority and throughout the effective period of the authority granted, the contents of this summary statement shall be reproduced in full and in substantially the same form by each such air carrier in all of its newspaper, magazine, periodical, leaflet, telephone book and distributed advertising, and shall be prominently and conspicuously displayed in each office where sales are made or payment is received for the air transportation of persons or property by such air carrier, and shall be so displayed therein as to be legible to the shipping or traveling public in the normal course of business relating to air transportation between such persons and such air carrier; and in addition, it shall be reproduced in full by non-certificated irregular air carriers and non-certificated air cargo carriers and be conspicuously displayed throughout its effective period immediately inside the cabin of each aircraft, slightly to the left of the cabin entrance, for examination by interested persons.

(g) *Additional temporary exemption.* Notwithstanding any of the foregoing provisions of this regulation all non-certificated air carriers shall be exempt, for a period of 3 months after the effective date of this section, from all provisions of section 401 and 403 of the act, other than section 401 (1), with respect to operations in overseas and foreign air transportation. (Secs. 205 (a) and 416 (b), 52 Stat. 984 and 1004, 49 U. S. C. 425 (a) and 496 (b))

By the Civil Aeronautics Board.

[F. R. Doc. 46-20984; Filed, Nov. 29, 1946; 8:55 a. m.]

CIVILIAN PRODUCTION ADMINISTRATION.

[C-457]

SEATTLE SNOHOMISH LUMBER CO.

CONSENT ORDER

Robert Waltz and F. M. Roberts, co-partners doing business as Seattle Snohomish Lumber Co., Snohomish, Washington, are engaged in business as a "sawmill" as defined by Direction 1 to Priorities Regulation 33, dated February 1, 1946, and as subsequently amended. The partners are charged by the Civilian Production Administration with violating Direction 1 to Priorities Regulation 33, in failing to produce, reserve, and deliver on certified orders during the period from March 1, 1946 to May 31, 1946, 150,795 feet B. M. of housing construction lumber, as required by paragraph (c) (4) of said regulations. Robert Waltz and F. M. Roberts admit the violation as charged, do not desire to contest the same and have consented to the issuance of this order. The co-partners contend, however, that subsequent to May 31, 1946, they have delivered on certified orders amounts of housing construction lumber in excess of those required by the provisions of Direction 1 to Priorities Regulation 33.

Wherefore, upon the agreement and consent of Robert Waltz and F. M. Roberts, the Regional Compliance Director and the Regional Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered*, That:

(a) Robert Waltz and F. M. Roberts, doing business as Seattle Snohomish Lumber Co., or otherwise, their successors and assigns, shall during the months of September, October, and November, 1946, produce and deliver on certified orders 150,795 feet B. M. of housing construction lumber in excess of the amounts required to be delivered on certified orders by existing regulations. In the event that the said Robert Waltz and F. M. Roberts do not receive sufficient certified orders to cover the foregoing amount during said period any unsold amount shall be held for sale on certified orders until the 31st day of December, 1946.

(b) Robert Waltz and F. M. Roberts, doing business as Seattle Snohomish Lumber Co., or otherwise, their successors and assigns, shall keep and preserve accurate and complete records of the details of each transaction to which Direction 1 to Priorities Regulation 33, and other rules, regulations and orders of the Civilian Production Administration apply, as required by § 944.15 of Priorities Regulation 1.

(c) Nothing contained in this order shall be deemed to relieve Robert Waltz and F. M. Roberts, doing business as Seattle Snohomish Lumber Co., or otherwise, their successors and assigns, from any restriction, prohibition, or provision contained in any order or regulation of Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect on the date of issuance.

Issued this 27th day of November 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 46-21082; Filed, Nov. 27, 1946; 4:22 p. m.]

[C-460]

HAUSER NASH SALES, INC.

CONSENT ORDER

Hauser Nash Sales, Inc., a corporation, 3727-37 West Lawrence Avenue, Chicago, Illinois, is charged with having begun construction on a structure at 3727-37 West Lawrence Avenue, Chicago, Illinois, on July 2, 1946, consisting of the remodeling and repair of said structure at an estimated cost of $10,000 without authorization from the Civilian Production Administration in violation of Veterans' Housing Program Order No. 1.

The corporation admits the violation as charged, does not desire to contest the same and has consented to the issuance of this order.

Wherefore, upon the agreement and consent of Hauser Nash Sales, Inc., a

corporation, the Regional Compliance Director and the Regional Attorney and upon approval of the Compliance Commissioner, *It is hereby ordered*, That:

(a) Neither Hauser Nash Sales, Inc., its successors or assigns, nor any other person shall do any further construction on the structure at 3727–37 West Lawrence Avenue, Chicago, Illinois, including putting up, completing, or altering the structure unless hereafter specifically authorized by the Civilian Production Administration.

(b) Hauser Nash Sales, Inc., shall refer to this order in any application or appeal which he may file with the Civilian Production Administration to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve Hauser Nash Sales, Inc., its successors or assigns, from any restriction, prohibition, or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same should be inconsistent with the provisions hereof.

Issued this 27th day of November 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 46–21081; Filed, Nov. 27, 1946; 4:22 p. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 7967]

TROPICAL RADIO TELEGRAPH CO.

ORDER INSTITUTING INVESTIGATION AND DESIGNATING DATE AND PLACE OF HEARING

In the matter of Tropical Radio Telegraph Company, Docket No. 7967; increased charges for telegraph messages between points in the United States and ships at sea or in the air.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 21st day of November 1946;

It appearing, that the Tropical Radio Telegraph Company has filed revised tariff schedules effective December 1, 1946, resulting in increased charges for telegraph messages between points in the United States and ships at sea or in the air; said tariff schedules being designated:

Tropical Radio Telegraph Company
Tariff F. C. C. No. 53

3d Revised Page No. 26.
6th Revised Page No. 26–A.
2d Revised Page No. 26–B.
7th Revised Page No. 27.

It further appearing, that said tariff schedules effect increased charges for telegraph communications in interstate and foreign commerce; that the rights and interests of the public may be injuriously affected thereby; and it being the opinion of the Commission that the effective date of such schedules, insofar as they effect increased charges for messages between points in the United States and ships at sea or in the air, should be postponed pending hearing and decision on the lawfulness of such new charges or regulations resulting in such increased charges;

It is ordered, That, pursuant to section 204 of the Communications Act of 1934, as amended, the Commission, upon its own motion and without formal pleading, shall enter upon a hearing concerning the lawfulness of the above-cited tariff schedules, insofar as they provide for increased charges for telegraph messages between points in the United States and ships at sea or in the air;

It is further ordered, That, pursuant to section 204 of the Communications Act of 1934, as amended, the operation of the above-cited tariff schedules insofar as they effect increased charges for messages between points in the United States and ships at sea or in the air be, and they are hereby, suspended until March 1, 1947, unless otherwise ordered by the Commission; and that during said period of suspension no changes shall be made in such regulations or charges or in the regulations or charges sought to be altered unless authorized by special permission of the Commission;

It is further ordered, That, pursuant to section 205 of the Communications Act of 1934, as amended, an investigation be, and the same is hereby instituted, into the lawfulness of the rates, charges, classifications, regulations, practices and services of the Tropical Radio Telegraph Company for and in connection with messages between points in the United States and ships at sea or in the air;

It is further ordered, That in the event a decision as to the lawfulness of the charges and regulations herein suspended has not been made during the suspension period and said charges and regulations have gone into effect, the Tropical Radio Telegraph Company shall, until further order of the Commission, keep account of all amounts charged, collected or received by reason of such increased charges and regulations; that said carrier shall specify in such accounts by whom and in whose behalf such amounts are paid, and shall file with this Commission a report on or before the 10th day of each calendar month, commencing April 10, 1947, showing the amounts accounted for as aforesaid during the previous calendar month;

It is further ordered, That a copy of this order be filed in the offices of the Commission with said tariff schedules herein suspended; that the Tropical Radio Telegraph Company be, and it is hereby, made a party respondent to this proceeding; and that a copy hereof be served thereon;

It is further ordered, That this proceeding be, and the same is hereby, assigned for hearing on the 20th day of December 1946, beginning at 10:00 a. m. at the offices of the Federal Communications Commission in Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 46–21012; Filed, Nov. 29, 1946; 8:52 a. m.]

[Docket Nos. 7345, 7346, 7515]

SKYLAND BROADCASTING CORP. ET AL.

ORDER TRANSFERRING PLACE OF HEARING

In re applications of Skyland Broadcasting Corporation, Dayton, Ohio, Docket No. 7345, File No. B2–P–3748; Ohio-Michigan Broadcasting Corporation, Toledo, Ohio, Docket No. 7346, File No. B2–P–4046; Community Broadcasting Company (WTOL), Toledo, Ohio, Docket No. 7515, File No. B2–P–4672; for construction permits.

The Commission having on November 1, 1946 granted the petition of Community Broadcasting Company WTOL, Toledo, Ohio to reopen the record and to schedule further hearing upon the above-entitled applications for the purpose of allowing Community Broadcasting Company to adduce evidence relative to all phases of its past and future program policy; and said further hearing having been scheduled for 10:00 o'clock a. m. December 11, 1946;

It is ordered, This 18th day of November 1946, that the place of said further hearing be, and it is hereby, transferred to Toledo, Ohio.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 46–21011; Filed, Nov. 29, 1946; 8:52 a. m.]

PROPOSED 20 KW. FM BROADCAST TRANSMITTER

TENTATIVE APPROVAL

NOVEMBER 15, 1946.

During engineering hearings on the formulation of Standards of Good Engineering Practice concerning FM broadcast stations, the following power ratings were recommended as standard for FM broadcast transmitters:

250 watts	25 kilowatts
1 kilowatt	50 kilowatts
3 kilowatts	100 kilowatts
10 kilowatts	

These ratings were later approved and included in the FM standards, with the provision that in the event a manufacturer proposes a 100 kilowatt transmitter or a transmitter of any power rating not listed, notice of the power rating of the proposed transmitter shall be given at least six months prior to the delivery date or completion of such transmitter.[1]

The Federal Telephone and Radio Corporation of Newark, New Jersey, has advised the Commission that it plans to manufacture an FM broadcast transmitter, Type No. 199–A, having a power rating of 20 kilowatts. The corporation has further advised that tubes already developed will permit production of the 20 kilowatt transmitter in November of this year, whereas development of new tubes required for a 25 kilowatt standard rating transmitter may require another year prior to manufacture.

Since it is desirable that FM broadcast transmitters in each of the power ranges

[1] Section 13, paragraph F, of the Standards of Good Engineering Practice Concerning FM Broadcast Stations, 10 F. R. 12994.

become available at an early date, the Commission has waived the requirement for six months notice. Tentative approval of the proposed 20 kilowatt transmitter is granted. Final approval will be considered at the time of receipt of performance data required by the Standards of Good Engineering Practice.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 46-21013; Filed, Nov. 29, 1946; 8:52 a. m.]

FEDERAL POWER COMMISSION.

[Docket IT-6019]

NORTHERN STATES POWER CO. ET AL.

NOTICE OF APPLICATION

NOVEMBER 25, 1946.

In the matter of Northern Power Company and Susan Swarthout and Edyth C. Swarthout, co-owners, doing business as Neshonoc Light and Power Company; Docket No. IT-6019.

Notice is hereby given that on November 22, 1946, a joint application was filed, pursuant to section 203 of the Federal Power Act, by Northern States Power Company ("Northern States"), a corporation organized under the laws of the State of Wisconsin and doing business in the States of Minnesota and Wisconsin with its principal business office at Eau Claire, Wisconsin, and Susan Swarthout and Edyth C. Swarthout as co-owners, doing business as Neshonoc Light and Power Company ("Neshonoc"), seeking an order authorizing the acquisition by Northern States and sale by Neshonoc of all the electric properties and facilities of Neshonoc, including two hydro-electric plants located on the La Crosse River, La Crosse County, Wisconsin, having an aggregate installed capacity of 325 KW, and a distribution system serving the territory in La Crosse County, Wisconsin. The consideration to be paid by Northern States to Neshonoc for the latter's electric properties and facilities, the application states, is $380,000 in cash, subject to certain adjustments; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 16th day of December, 1946, file a petition or protest in accordance with the Commission's rules of practice and procedure.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 46-20995; Filed, Nov. 29, 1946; 8:52 a. m.]

OFFICE OF PRICE ADMINISTRATION

Regional and District Office Orders.

[Portland Order G-32 Under 18 (c)]

FIREWOOD IN PORTLAND, OREG., DISTRICT

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the District Director of the Portland District Office of the Office of Price Administration by § 1499.18 (c), as amended, as of the General Maximum Price Regulation:

It is hereby ordered:

(a) The maximum prices as established by sections 2 and 3 of the General Maximum Price Regulation, or by previous order issued pursuant to such regulation, or by any Supplementary Regulation thereto, for sale or delivery of the types of firewood specified below in the Albany, Lebanon, Sweet Home, Scio area, are hereby adjusted so that the maximum prices therefor shall be:

Type of firewood	Maximum price per cord delivered to the premises of ultimate consumer	
	4 feet	*16 inches*
Slabwood, dry	$7.75	$8.50
Slabwood, green	5.50	6.75
Old growth cordwood	10.50	11.75
2nd growth cordwood	9.25	10.50
Oak, ash and maple cordwood	11.75	13.00

(b) This Order No. G-32 supersedes Order No. VIII-P-G-(15) 279 and 277-1-2, "Order and statement of considerations establishing firewood prices for Albany, Oregon" issued in December, 1942, by the State Director for Oregon, Oregon State Office, Office of Price Administration as to firewood covered hereunder.

(c) This Order No. G-32 also supersedes all other orders in addition to the order specified in paragraph (b) above which established maximum prices for the kinds and types of firewood covered by this order when sold in the area and by the persons covered by this Order No. G-32.

(d) *Definitions.* (1) The "Albany-Lebanon-Sweethome-Scio, Oregon Area" as herein used means the Cities of Albany, Lebanon, Sweethome and Scio, Oregon, and the territory lying within five miles of the city limits of said cities.

(2) "Slabwood, dry" as herein used means slabwood which is generally recognized by the trade and by consumers as being dry, and which has been piled and air dried for a period of not less than ninety days.

(3) "Slabwood, green" as herein used means mill run slabwood, mixed block and slabwood or mixed slabwood and edgings not meeting "slabwood dry" definition.

(4) "Old growth cordwood" as herein used means bona fide first growth of large thickness. In case of doubt as to whether a particular wood is first or second growth, the second growth price shall apply.

(5) "Second growth cordwood" as herein used means all cordwood other than old growth cordwood.

(e) No seller shall evade any of the provisions of the Order No. G-32 by changing the customary allowances, discounts, or other price differentials unless such change results in a lower price.

(f) *Invoices and records.* Every person making a sale of firewood for which a maximum price is set by this order shall give the purchaser or his agent at the time of the sale an invoice or other memorandum of sale, which shall show:

(1) The date of sale.

(2) The name and address of the buyer and seller.

(3) The quantity of firewood sold.

(4) Description of firewood sold, in the same manner as it is described in this order. (This shall include the kind of wood, i. e., hard, soft, or mixed, and length or pieces of wood.)

(5) *Place of sale.* (If the price is dependent on place of delivery, then the place of delivery shall be stated.)

(6) *The total price of the wood.* On the invoice or memorandum a separate statement shall be made of any discounts and of each service rendered such as delivery, carrying, and stacking and the charge made for each such service.

The seller shall keep an exact copy of such invoice or memorandum for a period of two years and such copy shall be available for inspection by the OPA.

NOTE: The record-keeping provisions of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(g) This order shall become effective immediately.

(h) This order may be revoked, amended, or corrected at any time.

Issued this 4th day of November 1946.

T. J. EDMONDS,
District Director.

Opinion Accompanying Order No. G-32 Under § 1499.18 (c), as Amended of the General Maximum Price Regulation

The accompanying order establishes adjusted maximum prices for specified types of firewood in the Albany-Lebanon-Sweethome-Scio, Oregon Area. The adjusted maximum prices for the specified types of firewood sold to purchasers in the class specified in the accompanying order have been established under § 1499.18 (c), as amended, of the General Maximum Price Regulation.

This order supersedes as to the firewood covered by it the area order which has covered a portion of the territory now covered by this order. The prices established by the accompanying order were determined by the District Director, after investigation with the help of cost data supplied in formal applications from individual sellers in the area covered.

Firewood is a primary fuel used in the area covered by this order. Investigation reveals that sellers of the types of firewood covered by this order have experienced substantial increases in their costs of production, acquisition and delivery since March 1942. The maximum prices established under sections 2 and 3 of the General Maximum Price Regulation or by previous orders are too low to permit absorption of the increases in unit cost of production and distribution. As a result, there is a threat of a local shortage of these types of firewood if present ceiling prices are maintained.

Because of the geographical location of the area defined in the accompanying

order, it is not economical to secure wood of these types from other areas.

Due to increased costs in production and distribution, sellers of these types of firewood will not be able to continue to produce firewood unless an adjustment in price is granted. The adjustment granted in the accompanying order is the minimum necessary to assist in maintaining needed supplies of firewood in the area concerned.

Firewood is an essential commodity. The adjustment of the maximum price chargeable for firewood will not create or tend to create a shortage or a need for an increase in prices in other localities. It will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and is consistent with Executive Orders Nos. 9250 and 9328.

[F. R. Doc. 46-20666; Filed, Nov. 20, 1946; 8:59 a. m.]

[Region V Order G-1 Under Gen. Order 50, Revocation]

MALT BEVERAGES IN DALLAS REGION

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of Region V of the Office of Price Administration by General Order 50 issued by the Administrator of the Office of Price Administration, *It is hereby ordered*, That:

(1) Region V Order No. G-1 issued under General Order 50 (Maximum prices for malt beverages in designated southern states), is hereby revoked.

This order shall become effective this the 8th day of November 1946.

(56 Stat. 23, 765; 57 Stat. 566; Public Law 383, 78th Cong.; E. O. 9250, 7 F. R. 7871; E. O. 9328, 8 F. R. 4681; General Order 50, 8 F. R. 4808)

Issued at Dallas, Texas, this the 4th day of November 1946.

W. A. ORTH,
Regional Administrator.

Opinion Accompanying Order Revoking Region V Order No. G-1 Under General Order 50

On the 23d day of October 1946, the Administrator of the Office of Price Administration issued Amendment No. 69 to Supplementary Order No. 132. This amendment exempted malt beverages, as defined in Region V Order No. G-1, from price control. It also exempted the sale of such beverages from price control when sold by eating and drinking establishments and other sellers covered by Restaurant Maximum Price Regulation No. 1 and Restaurant Maximum Price Regulation No. 2.

In keeping with the present decontrol policy of the Office of Price Administration to exempt all sales of malt beverages from price control, the Regional Administrator of Region V by issuing the accompanying order is revoking Region V Order No. G-1 which established maximum prices for the sale of malt beverages in eating and drinking establishments located within the terrioral jurisdiction of Region V of the Office of Price Administration.

It is the opinion of the Regional Administrator of the Office of Price Administration that the action taken in the accompanying order will further effectuate the purposes of the Emergency Price Control Act of 1942, as amended.

[F. R. Doc. 46-20669; Filed, Nov. 20, 1946; 9:00 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 1-1088]

ROLLINS HOSIERY MILLS, INC.

ORDER GRANTING APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 25th day of November A. D. 1946.

The Rollins Hosiery Mills, Inc., pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, having made application to withdraw its Common Stock $4.00 Par Value, from listing and registration on the Chicago Stock Exchange;

After appropriate notice, a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

It is ordered, That said application be and the same is hereby granted, effective at the close of the trading session on December 5, 1946.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 46-20990; Filed, Nov. 29, 1946; 8:56 a. m.]

[File No. 70-1395]

MINNEAPOLIS GAS LIGHT CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 22d day of November A. D. 1946.

Minneapolis Gas Light Company ("Minneapolis"), a public utility subsidiary of Community Gas and Power Company and American Gas and Power Company, registered holding companies, having filed a declaration and an amendment thereto pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6 (a) and 15 (f) thereof, with respect to the following transactions:

1. The elimination from the plant account of Minneapolis of an appraisal write-up designated as the Elmes property appraisal and recorded on the books in 1930, by credits to utility plant account in the amount of $8,556,402 and to reserve for depreciation in the amount of $1,761,312 and a corresponding charge against the capital surplus account;

2. The transfer of $2,000,000 from utility plant account to utility plant adjustments account in order to reflect the difference between the book cost of Minneapolis' property (after elimination of the Elmes appraisal write-up) and the original cost thereof as estimated by the firm of Jay Samuel Hartt;

3. The setting up of a reserve for utility plant adjustments in the amount of $2,000,000 with a corresponding charge against the earned surplus account;

4. The setting up of a reserve for cumulative overage equal to the excess of actual net earnings over the earnings allowable under the terms of the franchise with the City of Minneapolis in the amount of $561,967 as of January 1, 1946, plus the amount of $4,162 for the period January 1 to September 30, 1946, with a corresponding charge against the earned surplus account;

5. The reduction of the outstanding common capital stock of Minneapolis from $2,200,000 to $352,000 by reducing the stated value of each of the 44,000 shares outstanding from $50 per share to $8 per share, and the creation of capital surplus in the amount of $1,848,000; and

6. The elimination of the resulting deficit in the earned surplus account of $1,816,378 by charging it against the capital surplus created by the reduction of the stated value of the common stock.

Said declaration having been filed on October 31, 1946 and the amendment thereto having been filed on November 12, 1946, and notice of said filing, as amended, having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said declaration, as amended, within the period specified in said notice or otherwise, and not having ordered a hearing thereon; and

The Commission having been advised that the aforesaid transactions have been approved by the City Council of the City of Minneapolis, Minnesota; and

Minneapolis having requested that the Commission take appropriate action to accelerate its order herein and that said order become effective forthwith, and the Commission deeming it appropriate to grant such request, and

The Commission finding with respect to said declaration, as amended, that the requirements of the applicable provisions of the act and the rules thereunder are satisfied and that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration, as amended, be permitted to become effective;

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of said act, and subject to the terms and conditions prescribed in Rule U-24, that said declaration be, and the same hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 46-20989; Filed, Nov. 29, 1946; 8:56 a. m.]